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v. 14
no. 22
Illinois register
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JIM EDGAR
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

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Administrative Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
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Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
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May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
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June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Marking, Inventory, Transfer and Disposal of State-Owned Personal Property

2) Code Citation: 44 Ill. Adm., Code 5010

3) Section number: Proposed Action:

5010.110 Amendment
5010.610 Amendment
5010.660 Amendment
5010.670 Amendment
5010.710 Amendment
5010.720 Amendment
5010.730 Amendment
5010.740 Amendment
5010.1140 Amendment

4) Statutory Authority: Implementing and authorized by P.A. 86-459.

5) A Complete Description of the Subjects and Issues Involved:

Amends Property Control Act to provide for direct sale to charitable and not-for-profit entities.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part?

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

John Brazaitis
710 Stratton Office Building
Springfield, IL 62706
(217)524-4444

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendments are identical to the text of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Emergency Amendments which appear in this issue of the Register on page 8716.

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NOTICE OF PROPOSED AMENDMENTS

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HEADING OF THE PART: Forest Management Plan

CODE CITATION: 17 Ill. Adm. Code 1537

SECTION NUMBERS:

PROPOSED ACTION:

1537.1 Amendments
1537.10 Amendments
1537.15 Amendments
1537.20 Amendments
1537.25 Amendments
1537.30 Amendments
1537.35 Repeal
1537.40 Amendments
1537.42 New Section
1537.45 Amendments
1537.50 Amendments
1537.55 Amendments
1537.60 Amendments
1537.65 Amendments
1537.70 Amendments
1537.75 Amendments
1537.80 Amendments
1537.85 Amendments
1537.90 New Section
1537.EX A Amendments
1537.EX B Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 9101 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: This Part provides the standards and guidelines for the development of a Forest Management Plan in accordance with the provisions of the Forest Development Act. The changes include clarifying the information and strengthening the standards provided in this Part.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?

No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Kay Giacomini
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1537
FOREST MANAGEMENT PLAN

Section	Definitions
1537.1	Forest Management Plan Development
1537.2	Eligibility
1537.5	Description of the Land to be Managed
1537.10	Map of the Area
1537.15	Description of the Types of Timber to be Grown Forest
1537.20	Types to be Managed
1537.25	Harvest Schedule Projected to 10 Years in the Future
1537.30	Reforestation Plan and Afforestation
1537.35	Afforestation Plan (Repealed)
1537.40	Forest Regeneration Plan
1537.42	Recreational Use and Esthetics
1537.45	Soil and Water Conservation Goals
1537.50	Forest Wildlife Habitat Enhancement
1537.55	Protection Measures
1537.60	Silviculture Practices Required, Sequence and Specification
1537.65	An Estimate of the Practice Costs
1537.70	Forest Management Plan Approval
1537.75	Appeals
1537.80	Annual Review Process
1537.85	Information
1537.90	Amended Plans
EXHIBIT A	Suggested Forest Plan Outline
EXHIBIT B	Cover page Forest Management Plan Illinois Forestry Development Act Management Plan Certification
AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 9101 et seq.).	
SOURCE: Adopted and codified at 8 Ill. Reg. 8732, effective June 6, 1984; amended at 9 Ill. Reg. 14278, effective September 5, 1985; amended at 14 Ill. Reg. _____, effective _____.	

Section 1537.1 Definitions

"Afforestation" means the establishment of a tree crop on an area from which trees have always or long been absent.

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"Basal Area" means the area of the cross-section of a tree stem at breast height, and is used to express relative density of trees per acre.

"DBH" means diameter breast height (DBH) defined as 4 1/2 feet above the ground level.

"District Forester, Regional Administrator, Forest Management Program Manager" are employees of the Department of Conservation who are designated by position title per official position description and specification on file with the Department of Central Management Services.

"Forest" means an area whose principal crop is trees.

"Reforestation" means the natural or artificial restocking with trees on forest land.

"Regeneration" means the renewal of a tree crop by natural or artificial means.

"Silviculture" means the science and art of cultivating forest crops for the production of goods and services; the theory and practice of controlling forest establishment, composition and growth.

"Stand" means a community of trees possessing sufficient uniformity in regard to composition, density, age, spatial arrangement, or condition, thus forming a silvicultural or management entity.

"Stocking" means subjective indication in a forest of the number of trees as compared to the desirable number for best results. (For example - In an upland forest with an average tree diameter of 3 inches, 38 square feet of basal area is acceptable. Where the trees average 18 inches, the acceptable level is 77 square feet, stocking guidelines are to be found in "Recommended Silvicultural and Management Practices for Illinois Hardwood Forest Types.")

"Timber" means trees, standing or felled, and parts thereof, excluding Christmas trees and producers of firewood.

"Timber Grower" means the owner, tenant or operator of land in this state who has an interest in, or is entitled to receive any part of the proceeds from, the sale of timber grown in this State and includes persons exercising authority to sell timber.

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"Timber Stand Improvement (TSI)" is a term comprising all intermediate cuttings or other silviculture treatments made to improve the composition, condition and increment of a timber stand.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.10 Description of Land to be Managed

The legal description of the property to be managed will include quarter section, section, township, range and county and property index number or parcel number if available if used by the County Assessor's Office).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.15 Map of the Area

A map encompassing the area covered by forest management must accompany the written plan and indicate the areas stands where various silvicultural activities will take place and the treatment treatments are required. The map will have a minimum scale of 8" to the mile, and shall be reproducible on black and white copiers.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.20 Description of the Types of Timber to be Managed

a) A description is required of the present forest stands and the conditions that created the existing stand structure, species composition, forest cover types and/or forest site-types, and whether the main canopy stand is even aged or all aged.

b) An inventory of the forest stands conducted in accordance with the procedure outlined in the Illinois Forest Inventory Data Processing System (IFIDP) or any other procedures which will be approved by the Department provided the criteria for accuracy are met. The IFIDP procedure is filed in all Division of Forest Resource and Natural Heritage, IDOC District Offices and available to the public for

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review. Trees from 2" DBH should be included in the inventory and accuracy should be + or - 10% of the basal area at the 66% confidence level. The inventory described is not required for stands less than 5 acres in area.

c) Inventory and field data must be available delivered to the District Forester for review. The review will determine if all of the information required for the plan is present, complete, and meets accuracy requirements (+ or - 10% of the basal area at the 66% confidence level).

d) Forest site-types are described in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association and forest cover types as described in "Forest Cover Types of the United States and Canada", Society of American Foresters. These references are filed with the Division of Forest Resources and Natural Heritage, Department of Conservation District Offices and with the State Library and available to the public for review.

e) Forest Cover-Types

Bald Cypress
Bald Cypress, Tupelo
Beech, Sugar Maple
Black Ash, American Elm, Red Maple
Black Locust
Black Oak
Black Willow
Bur Oak
Chestnut Oak
Cottonwood
Eastern Red Cedar
Northern Pin Oak
Northern Red Oak
Northern White Cedar
Overcup Oak
Pin Oak, Sweetgum
Post Oak, Blackjack Oak
River Birch, Sycamore
Sassafras, Persimmon
Silver Maple, American Elm
Sugar Berry, American Elm
Sugar Maple

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Sugar Maple, Basswood
Swamp Chestnut Oak, Cherrybark oak
Sweetgum, Yellow Poplar
Sweetgum, Willow Oak
Sycamore, Sweetgum, American Elm
Tamarack
Yellow Poplar
Yellow Poplar, White Oak Northern Red Oak
Water Tupelo
White Oak
White Oak, Black Oak Northern Red Oak
White Pine

f) Forest Site-Types

Oak Hickory Mixed Hard Hardwoods
Mixed Oak Mixed Bottomland Hardwoods
Mixed Hardwoods Sycamore, Cottonwood, Willow
Mixed Soft Hardwoods Cypress

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.25 Harvest Schedule Projected to 10 Years in the Future

The projection shall be based on forest inventory and will include the description of the areas to be harvested, and the estimated volume to be harvested per acre. Harvest schedules are not required for afforestation and reforestation areas or when a harvest is not recommended within 10 years of date of plan. An unforeseen need for harvest due to salvage and sanitation reasons may be added in an amended plan.

Section 1537.30 Reforestation Plan and Afforestation

~~This~~ This Section, if needed, must address site preparation, planting methods, pre and post care, species selection, soil series, landowner objectives and be identified on the map. ~~This plan may not be required in all forest management plans due to stand conditions.~~ The open areas designated for planting and described in an approved plan will not be submitted to the Illinois Department of Revenue as provided by Section 1537.70 until the following provisions are met: the planting is completed or the designated open areas remain idle and are not used for the growing of non-forest crops, pasture or any other agriculture purposes.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

_____)

Section 1537.35 Afforestation Plan

~~This plan must address site preparation, pre and post care, species selection, soil series, objectives and be identified on the map. This plan may not be required to be a portion of the overall forest management plan. The open areas designated for planting and described in an approved plan will not be submitted to the Illinois Department of Revenue as provided by Section 1537.70 until the following provisions are met: the planting is completed or the designated open areas remain idle and are not used for the growing of non-forest crops, pasture or any other agriculture purposes.~~

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 1537.40 Forest Regeneration Plan

The forest management plan must prescribe an appropriate silvicultural system and include detailed strategies to assure regeneration of the forest. This can be accomplished by silvicultural treatments, timber stand improvement, site preparation, tree planting or combinations of the above activities. ~~The Regeneration plan should detail what activities will be required to maintain a productive forest or may reference the appropriate section management practice.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.42 Recreational Use and Esthetics

~~These uses, when compatible with the intent of IFDA, shall be incorporated into the plan, depending upon the landowners goals and objectives. Such uses, as follows are encouraged: wildlife observation, sport hunting, fee hunting, hiking, photography and others. Campground use and other intensive uses are not permitted. Development of a hiking trail for recreational uses and esthetic appreciation or for other practical uses may be recommended and prescribed in the plan. Measures to protect soil and water values shall be utilized for trail development and maintenance.~~

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 1537.45 Soil and Water Conservation Goals

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The forest management plan shall include measures to reduce soil erosion to acceptable tolerance levels. Consideration of the soils shall be made when choosing silvicultural treatments. The treatments chosen on all sites should be those that will stabilize or otherwise conserve the soil, particularly for harvest treatments.

Costs will be estimated for the practices that will be carried out. Since the plan will be reviewed each year, it will not be necessary to forecast much beyond the work that will be accomplished. The costs may be the landowner's labor and materials consumed or the fee paid to a contractor. The cost will be subject to the ceiling established for the practice under 17 Ill. Adm. Code 1536.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.50 Forest Wildlife Habitat Enhancement

WildlifeForest wildlife concerns must be taken into consideration in the implementation of the silviculture practices. The minimum requirements for wildlife is the maintenance of all the forest components from ground cover, shrubs through trees. Enhancement practices, if any, must be integrated in the forest plan and the conservation practices initiated. The minimum requirements for wildlife are the maintenance of all the forest components from ground cover, shrubs, through treespractices to enhance forest wildlife populations shall address the most limiting factors for wildlife populations.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.55 Protection Measures

Procedures must be established to deal with insect, disease and environmental problems. Where wildfire is a danger, firebreaks or other protective measures must be integrated in the forest plan and the conservation practices initiated.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.60 Silviculture Practices Required, Sequence and Specification

The plan will include an outline of the recommended silvicultural practices, description of those practices, identification of the areas on the plan map and established timetables for practice installation.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.65 An Estimate of the Practice Costs

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.70 Forest Management Plan Approval

The landowner approved Forest Management Plan (See Exhibit B for ever page of plan) must be approved by the local District Forester. Allow 45 days, after the receipt of the Forest Management Plan, for approval or disapproval by the District Forester. If disapproved, the District Forester will notify the landowner and plan preparer of the approval of the reasons that prevent the plan from being approved. Upon approval the Illinois Department of Revenue and the county Assessor will be notified quarterly in accordance with Section 20e(1) of the Revenue Act of 1939 (Ill. Rev. Stat. 1983, ch. 120, par. 501e(1)). (See Exhibit B for certification of plan).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.75 Appeals

a) Any landowner whose plan or practice is not approved by the District Forester may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Forest Management Program Manager.

b) The appeal must be made in writing within 30 days from the date that the plan or practice was not approved to the Forest Management Program Manager. Administrator address listed in Section 1537.85.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

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Section 1537.80 Annual Review Process

- a) Each subsequent year, during the month~~quarter~~ that the plan was initially approved, the landowner will be required to submit in writing a statement indicating the present status of the forest as it relates to the approved forest management plan and the recommendations contained in it and seek continued approval of that plan.
- b) In the event that no modifications are required or requested the plan will be reapproved. If the plan requires revisions it will be updated to reflect these needs and resubmitted for approval to the District Forester.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.85 Information

Anyone wishing additional information concerning this Part may contact the Department of Conservation at the following address:

Department of Conservation
Division of Forest Resources ~~and Natural Heritage~~
600 North Grand Avenue West
Springfield, Illinois 62706

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1537.90 Amended Plans

Plans may be amended to adjust acreage or management activities. Amended plans shall be valid only until 10 years following the effective date of the original plan. Amended plans must be approved by the District Forester.

(Source: Added at 14 Ill. Reg. _____, effective _____).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

EXHIBIT A

SUGGESTED FOREST PLAN OUTLINE

- | | | | |
|-----|----------|-----|-------------------------|
| 1a. | Owner | 1b. | Manager (if applicable) |
| 2a. | Address | 2b. | Address |
| 3. | Property | | |
- A. Location ~~(Legal description)~~ (by Fractional Quarter, Section, Town, Range, Principle Meridian and County)
- B. Area (acres)
4. Description of Land
- Include topography, soils, species growing or planted, history and map of the property for:
- A. Open Land (Cropland, pasture, land without forest trees growing on it)
- B. Forest Land (Land at least 10-percent stocked by forest trees of any size)
5. Specific Information, Recommendations
- A. Open Land (Afforestation, Reforestation) if applicable
1. pre-planting recommendations (planting stock, site preparation)
 2. spacing
 3. species and numbers required
 4. post-planting recommendations (care of the planted stock)
- B. Forest Land (Established Forest) if applicable
1. volume/acre
 2. basal area/acre
 3. stocking/acre
 4. growth/acre
 5. harvest schedule
 6. silvicultural practices to meet forest need; planting, regeneration, species, structure and stocking

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6. Soil and Water Conservation Goals - A statement of landowners goals and practices to maintain or reduce soil erosion to meet or exceed Department of Agriculture tolerable level.
7. Forest Wildlife Habitat Enhancement - Install compatible practices that will enhance the wildlife habitat potential and meet the owner's objectives.
8. Protection Measures - Procedures to deal with insect, disease and environmental problems. Where wildfire is a danger, firebreaks must be installed and maintained.
9. Financial - Discussion of specific costs involved in implementing open land and forestland recommendations.
10. Other Considerations Outline of Silvicultural Practices Recommended and time schedule of practices.
11. Other Considerations/Conclusions.

EXHIBIT B - COVER PAGE-

FOREST MANAGEMENT PLAN/ILLINOIS FORESTRY DEVELOPMENT
ACT MANAGEMENT PLAN CERTIFICATION

LANDOWNER NAME*

ACREAGE*

PERMANENT INDEX NUMBER (if used in county)*

LOCATION: (Quarter, Section #, Township Name & County)

I am the owner of the property for which this plan has been prepared. The plan has been prepared in accordance with Public Act 83-446, meets my requirements and I will follow the recommendations to the best of my ability. If any changes in ownership or conditions of the forest are made, I will notify the Department of Conservation, Division of Forest Resources and Natural Heritage within 30 days.

Please do not / do not / forward this information to the Illinois Department of Revenue for land assessment purposes.

Landowner

Address

Date

District Forester

Date

This plan is approved by*

* Required only when the approved management plan certification is to be forwarded to the Illinois Department of Revenue.

LANDOWNER:

PLAN NO.:

ADDRESS:

ACRES:

town

state

zip

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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PROPERTY TAX NUMBER: *
(Required only when plan will be used for preferential tax treatment)

LEGAL DESCRIPTION: *
(Fractional Quarter, Quarter, Section, Township #, Range #, County, Principal Meridian)

I am the owner of the property for which this plan has been prepared. The plan has been prepared in accordance with Public Act 83-446, as amended, and meets my requirements. I will follow the recommendations to the best of my ability. If any changes in ownership or conditions of the forest occur, I will notify the Department of Conservation, Division of Forest Resources in writing within 30 days.

SHALL THIS CERTIFICATION BE FORWARDED TO THE ILLINOIS DEPARTMENT OF REVENUE FOR PREFERENTIAL TAX TREATMENT?

YES NO

(District Forester will forward if YES is checked)

Approval of this plan does not guarantee that all projected cultural practices will be approved for cost share payments. Cost sharing is available on a first-come, first-served basis, as funds are available. Applications for cost-share assistance must be approved by the District Forester before practices are begun.

PLAN DEVELOPED BY: DATE:

LANDOWNER ACCEPTANCE: DATE:

ILLINOIS DEPARTMENT OF CONSERVATION APPROVAL BY DISTRICT FORESTER: DATE:

< choose one or more >

NEW PLAN AMENDED PLAN CANCEL PLAN

ADDRESS CHANGE OTHER (explain)

* attach additional sheets as needed

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1) HEADING OF THE PART: Forestry Development Cost Share Program

2) CODE CITATION: 17 Ill. Adm. Code 1536

3) SECTION NUMBERS:

1536.10 Amendments
1536.20 Amendments
1536.25 New Section
1536.30 Amendments
1536.40 Amendments
1536.50 Amendments
1536.60 Amendments
1536.70 Amendments
1536.80 Amendments
1536.100 Amendments

PROPOSED ACTION:

4) STATUTORY AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 9101 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The Cost-share program, an important part of the 1983 Illinois Forestry Development Act, reimburses forest landowners up to 80% of the expense of carrying out an IDOC approved Forestry Management plan. This Part has been modified to reflect required changes as provided by the amended Act as well as changes needed for clarification of the administration of the Cost-share program.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE?
No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Kay Giacomini
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1536
FORESTRY DEVELOPMENT COST-SHARE PROGRAM

Section	
1536.10	General
1536.20	Eligibility
1536.25	Preparation of Forest Management Plans
1536.30	Planting Trees— Cost-Share
1536.40	Fencing to Protect Forests and Plantations— Cost-Share
1536.50	Improving a Stand of Forest Trees— Cost-Share
1536.60	Firebreaks to Protect Farm Woodlands— Cost-Share
1536.70	Site Preparation for Natural Regeneration— Cost-Share
1536.80	Appeal
1536.90	Information
1536.100	Penalty

AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 9101 et seq.)

SOURCE: Adopted and codified at 8 Ill. Reg. 13689, effective July 25, 1984; amended at 9 Ill. Reg. 14286, effective September 5, 1985; amended at 10 Ill. Reg. 6838, effective April 3, 1986; amended at 10 Ill. Reg. 18168, effective October 15, 1986; amended at 11 Ill. Reg. 18632, effective November 2, 1987; amended at 14 Ill. Reg. _____, effective _____.

Section 1536.10 General

The purpose of this program is to encourage the planting of trees and the proper care of existing forestland, tending and regeneration of forests.

- Timber growers and/or landowners participating in this program may also be eligible for federal forestry cost-share programs administered by the United States Agricultural Department of Agriculture (U.S.D.A.) Stabilization and Conservation Service.
- An application for the cost-shared practice must be completed by the timber grower and/or landowner and submitted to the Illinois Department of Conservation's District Forester, hereinafter referred to as the District Forester. The requirements for installation of

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the practice will be described in the approved management plan. The cost-shared practice can not be started until the application is approved by the Department of Conservation-District Forester. Participation in the Cost-Share Program will be based on a first-come, first-served basis subject to the availability of funds.

c) The payment for the approved cost-shared practice will be based on the ~~timber growers and/or landowner's~~ documentation of cost to install the practice and will not exceed the established cost-share rates and not to exceed amounts per unit. A sample cost-share documentation format is shown in Exhibit A.

d) A practice can not be repeated on the same land within a 10 year period and must be effective for a minimum of 10 years, except as allowed under Sections 1536.30 and 1536.70.

e) Property upon which cost-shared practices are installed must be protected from destructive fires and grazing by measures set forth in the approved Forest Management Plan.

f) Chemicals used in performing this practice must be federally, state and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label, and other Federal and State policies and requirements.

g) Timber growers who have conducted a timber sale within the preceding fiscal year of this cost-share agreement, will have their cost-share increased by an amount not to exceed 50% of the harvest fee paid by the timber grower. Therefore, timber growers will receive the percentage of cost-share established for each practice throughout this part, plus 50% of the harvest fee paid for a combined total not to exceed 100% of the cost of the approved practice.

h) When Federal or other cost-share program practices are utilized concurrently with the Illinois Forestry Development Act (IFDA), the cost-share rate shall equal the rate of the other concurrent cost-share program in effect in the county where the practice is installed. The IFDA cost-share rate and the "not to exceed per practice unit amount", shall be adjusted proportionately from the standard 80% rate now in effect. Also see

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Section 1536.30(b).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.20 Eligibility

- a) Participation in the program is limited to landowners and timber growers who own or operate at least 5 contiguous acres of land in this State. A forest must be at least 100 feet wide.
- b) The property on which the cost-shared practices will be installed must have an ~~Illinois Department of Conservation~~ approved Forest Management Plan as described in 17 Ill. Adm. Code 1537, except a cost-share application for "preparation of forest management plans" practice under Section 1536.25 must be submitted to and approved by the District Forester prior to initiation of a forest management plan.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.25 Preparation of Forest Management Plans

This practice provides the landowners with another opportunity to obtain professional conservation assistance in plan preparation.

- a) This cost-share practice is valid only when a landowner seeks to pay another party for preparation of a plan.
- b) A cost-share application for this practice must be submitted and approved by the District Forester prior to initiation of a plan for development. However, for all other cost-share practices, an approved plan must be in effect prior to submission of a cost-share application.
- c) The forest management plan being prepared must meet the conditions, requirements, standards and specifications as contained in Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 9101 et seq. and 17 Ill. Adm. Code 1537 and this Part. Additional information and basic standards are listed in two publications published by the Illinois Technical Forestry Association: "Recommended Management and Silvicultural Practices for Illinois Timber Types" and "Forest Planting Practices for Illinois".

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- d) Components eligible for cost-sharing can include: reconnaissance, travel costs, secretarial, mailing and telephone costs, forest inventory, data analysis and composing plans.
 - e) Reconnaissance notes, field data, inventory per acre and per stand results and analysis of forest inventory must be submitted with the plan, to the District Forester.
 - f) All of the land in a county owned by the same individual(s), partnership(s) or corporations(s) shall be included in a single plan. Amendments of plans to increase acreage during the 10 year lifespan of a plan shall be cost-shared as described below.
 - g) Cost-share rate for plans of silviculture and management on existing forest stands shall be 80% of the owner's cost not to exceed: \$5.00 per acre for 5 to 50 acres; plus \$3.00 per acre for each additional acre more than 50 acres, but less than 100; and \$2.00 per acre for each additional acre greater than 100 acres.
 - h) Cost-share rate for reforestation and afforestation plans as defined in 17 Ill. Adm. Code 1537 shall be 80% of the landowners cost not to exceed \$3.00 per acre.
 - i) Fractional acres for all plans shall be rounded to the nearest acre for cost-share payment as follows: .01 to .49 acres will be rounded down and .50 to .99 shall be rounded up.
- (Source: Added at 14 Ill. Reg. _____, effective _____)
- Section 1536.30 Planting Trees—Cost-Share
- The purpose of this practice is to establish a stand of forest trees for timber production purposes and compatible multiple uses to preserve and improve the environment.
- a) ~~Cost-sharing shall not be authorized for clearing land occupied by merchantable trees.~~ The District Forester shall determine the suitability of the land for clearing site preparation and tree planting, considering soil erodibility and the economic feasibility of soil stability practices such as ~~terrace~~ ~~grading~~ ~~of the~~ practice and ground cover requirements.

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b) Cost-share rates for practices under Section 1536.30 will be 50% of the actual cost not to exceed the adjusted maximum fixed rate per acre for those lands which are accepted under the U.S. Department of Agriculture, Conservation Reserve Program. The maximum fixed rate is determined by taking 80% of the average cost per acre within the State for eligible practices under this Part. The adjusted maximum fixed rate is determined by taking 50% of the average cost. All other lands not involved enrolled in the Conservation Reserve Program or other cost-share programs will be eligible for the 80% cost-share rate as established under this Section and subsection 1536.10(h).

c) Cost-sharing is not authorized for:

- 1) ~~requests for planting trees on less than 1 acre or planting less than 302 trees per acres.~~
- 2) ~~planting or culture of fruit or nut orchards, Christmas trees or planting for ornamental or landscaping purposes, planting less than 300 trees per acre for landscaping purposes. Planting for Christmas tree production is not eligible.~~

- 3) measures to protect seedlings from wildlife destruction.

4) irrigation of planted trees

d) Cost-Share Rates/Specification:

- 1) Site Preparation - 80% of the actual cost not to exceed a variable amount ranging from \$25 to \$150 per acre, as determined by the plan prepared and approved by the District Forester. The District Forester plan preparer conducts a careful field inspection of current vegetation cover on the site to be prepared, and then uses categories and amounts in subsection 1536.30(b) to make a determination about the cost-share rate per acre.

A) Cost-share categories and corresponding variable cost-share amounts shall be prorated per acre, per category, and shall be approved by the District Forester. ~~Cost-share applications shall be approved by District Foresters.~~

B) Cost-share categories and variable cost-share payments follow:

Category	Variable Cost-Share Amounts Not to Exceed, Per Acre
i) Vegetation or heavy residues which will cause some difficulty in normal planting.	\$25.00
ii) Sixty percent (60%) or more of area in sod and broad leaved herbaceous plants. Up to forty percent (40%) of area in light woody cover, stems two inches (2") or less diameter at ground line.	\$50.00
iii) More than forty percent (40%) of area occupied by woody vegetation, briars, vines, or woody stems two inches (2") diameter or less at ground line, but can include up to twenty-five (25) stems per acre greater than two inches (2") at ground line.	\$75.00

iv) More than forty percent (40%) of area occupied by woody vegetation greater than two inches (2") diameter at ground line; or more than twenty-five (25) stems per acre greater than two inches (2") diameter at ground line.

C) This is limited to areas having undesirable vegetative growth (such as grass sod, perennial and annual weeds, ~~weed~~ broadleaved plants and trees or brush of no economic value) which will be replanted to desirable tree species.

D) Measures necessary to ~~prevent~~ minimize erosion must be undertaken and plantings must be

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according to prescribed standards set forth in the approved Forest Management Plan. Measures may include, but are not limited to, hand planting, machine planting on contour, establishment of grass/temperary herbaceous cover, the use of herbicides for minimum disturbance of established cover and similar accepted practices as set forth in the Forest Management Plan.

- E) Removal may be undertaken mechanically with machinery including all normal farm tillage implements, chopping or sawing.

- 2) Tree Planting (Trees and Labor) - 80% of the actual cost not to exceed \$70 for no-cost planting stock or \$170 for purchased planting stock, on a per acre basis.

- A) Selected tree species and seed sources to be planted must be in accordance with the Forest Management Plan and approved by the District Forester.

- B) Plantings must be made in accordance with forestry practices the forest management plan as approved by the District Forester and the Forest Management Plan to assure. Trees must be firmly planted at the proper depth and packing. Tree planting machines, augers or hand tools may be used.

- C) At least 90-percent of the conifer and/or hardwood stock must be not less than 3/32 inch in caliper at 1 inch above the ground line with the root collar (nursery soil line). At least 90% of the hardwood stock shall be 7/32 inch caliper at 1 inch above the root collar (nursery soil line). The top (crown/stem) and bottom (roots) being in balance, with a root/shoot ratio of 1:1 or 1:1.5.

- D) Spacing requirements are as follows:

- i) Plantings on open land are to be made 6 to 12 feet apart in rows 6 to 12 feet apart. No less than 302 or more than 1000 trees are to be planted per acre.

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- ii) Interplantings within wooded areas are to be spaced 6 feet apart or more in openings which receive partial or full direct sunlight.

- iii) Variations in these spacing standards may be made in accordance with written recommendations ~~from~~ approved by the District Forester.

- E) Cost-share assistance for replanting will be available where losses are due to unusually dry periods, heat, drought, flood, hail, and similar occurrences, if 70-percent of a standard stand is not obtained, or if a stand deteriorates to less than 70-percent within two years growing seasons from planting.

3) Direct Seeding Component

The purpose of this practice is to extend limited supplies of plant materials and thereby to increase forestation.

- A) Direct seeding may be used in lieu of seedling planting, when approved by the District Forester as part of a forest management plan, or as amended.

- B) As references for standards use: "Direct seeding of Southern Oaks - A PROGRESS REPORT, by Robert L. Johnson and Roger M. Krinard, Southern Hardwoods Laboratory, Stoneville, MS; Forest Service, USDA and the guidelines offered in Silvics of Forest Trees, AG Handbook 271, USDA Forest Service, 1974.

- C) This cost-share practice may be attempted a second time if through no direct fault of the landowner less than 150 seedlings per acre survive after one full growing season.

- D) If, after 2 full growing seasons there are less than 150 seedlings of acceptable growing stock per acre, no further attempts to direct seed shall be made. However, tree planting may be done per rules outlined in this Section.

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- E) Cost-share Rate and Specifications
- i) This practice shall pay 80% of the owner's cost not to exceed \$40 per acre for seed collected or purchased plus labor and any machinery use.
 - ii) Seed sowed shall be local, within 25 miles of the seeding site. Or, if local seed is not available, seed shall be collected from a zone within 100 miles north of the site or within 200 miles south of the site.
 - iii) Measures to protect seed from predator pilferage may be required but cannot be cost-shared.
 - iv) Site preparation measures are encouraged, but may not be feasible on sites which must be hand seeded.
 - v) Direct seeding may require up to 18 months of practice completion status before satisfactory cost-share payment can be approved by the District Forester.
 - vi) Direct seeding shall not be cost-shared when attempted under a closed forest crown canopy. At least 40% of available sunlight must reach the forest floor during the growing season.
- 3)4) Control of Undesirable Vegetation With Herbicides or Mulching - 80% of the actual cost not to exceed \$25.00 per acre.
- A) The practice is limited to plantings that conform to specifications cited elsewhere in Section 1536.30(e)(2).
 - B) Application of herbicides may be in either the liquid or granular form and may be of the pre-emergence, post-emergence, pre-emergents or post-emergents or combinations of these types as recommended approved by the District Forester. Application may be made as pre-

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- plant, post-plant or at time of planting.
- C) Organic mulches may be used in combination with herbicides or in lieu of herbicides and must be used if required in the approved management plan, to qualify for site preparation and planting payments. Minimum per seedling mulched area is 12 square feet with an initial depth of 4 inches. Mulched areas must be pretreated by removing existing vegetation to mineral soil prior to applying the mulch.
 - E)D) Herbicide or mulching applications must be made, if required in plan, to qualify for site preparation and planting payment.
 - E) Treatments for control of undesirable vegetation may be cost-shared for a second and third year as prescribed in a forest management plan and approved by the District Forester.
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 1536.40 Fencing to Protect Forests and Plantations-- Cost-Share
- Permanent fences are often needed to properly protect farm woodlands from grazing. Livestock cause severe damage when permitted to range through wooded areas. Resulting damage to tree production, reproduction and soil structure, is ordinarily far greater than any forage value which may be obtained from grazing.
- a) The practice is limited to building permanent fences needed to protect woodland area forest stands, approved by the District Forester for forest management practices.
 - b) The one rod restriction applies to the woven wire and barbed wire fences only. The distance between posts or live trees must not exceed 1 rod. Limited use of live trees is permitted, provided 2" x 4" nailing strips of durable wood are used between the wire and the tree.
 - c) No assistance will be given for maintaining or replacing an existing structure ex-for boundary and road fences.
 - d) Cost-Share Rates/Specification - The cost-shared rates will vary according to the type of fence constructed,

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however, the rate will be 80% of actual cost not to exceed the rate listed below.

- 1) A woven wire fence must consist of at least a 26 inch woven wire with at least two strands of barbed wire on top - \$10.00 per rod.
- 2) A barbed wire fence must be equal to at least a three-strand barbed wire structure. If other fence materials are used, all weather wood or native lumber highly resistant to decay may be substituted for barbed wire if required for certain domestic animals - \$9.00 per rod.
- 3) A suspension fence will consist of at least four strands of barbed wire with the distance between posts not to exceed 100 feet and sufficient wire spacers to prevent sagging - \$3.50 per rod.
- 4) A high-tensile fence will consist of at least 6 strands of wire with the distance between posts not to exceed 100 feet with sufficient droppers to maintain proper wire spacing - \$6.50 per rod

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.50 Improving a Stand of Forest Trees—Cost-Share

Profitable production and environmental enhancement will result from the application of proper methods of ~~handling diseased, weak and undesirable trees by needed thinning or releasing of desirable crop trees species and by cutting of designated vines attached to desirable crop trees. This practice applies to stands of forest trees needing improvement.~~ Some vines not on crop trees shall be retained for wildlife benefit.

- a) Timber stand improvement (TSI) cost sharing will not be approved for areas less than one acre.
- b) Improvement measures ~~should~~ shall be carried out in such a manner as to improve or protect the quality of the environment, especially wildlife habitat, as described in the Forest Management Plan.
- c) Cost-Share Rates/Specifications
 - 1) Improving a Stand of Forest Trees - 80% of actual

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cost not to exceed \$44.00 per acre.

- A) The District Forester must give prior approval of the area on which the practice is to be carried out and of the methods to be followed based upon the density and condition of the trees, and economic feasibility of the practice.
 - B) Work shall be done by cutting, girdling, and ~~poisoning~~ herbicide treatment of the surplus, the diseased, cull or weed trees and by cutting designated vines attached to desirable crop trees. Thinning should release desirable tree species so as to leave an adequate residual stand of basal area per acre consisting of desirable species well distributed over the woodland as described in the Forest Management Plan per acre an adequately stocked stand composed predominately of high ranked timber species, well distributed, as described in the forest management plan. Stocking guides and species rank shall be determined by use of the appropriate table in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association, 1972.
 - C) Herbicide treatment of stumps, when crop trees released are more than 20 feet tall, may be omitted. All other TSI treatment methods require use of approved herbicides.
 - D) Harvesting practices and silvicultural systems as prescribed in the Forest Management Plan approved by the District Forester must be followed.
 - E) Cost-Share assistance will not be given for any area from which commercial products are sold or traded in the process of carrying out the timber stand improvement practices.
- 2) Pruning Crop Trees - 80% of actual cost not to exceed \$44.00 per acre.
- A) The District Forester must give prior approval to the area on which the practice is to be

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carried out and ~~must designate~~ the ~~desirable~~ crop trees ~~must be designated~~ on which the work is to be performed and the method to be used.

- B) In coniferous stands, the trees must have a minimum total height of 18 feet ~~in order that the total minimum pruning height is 9 feet.~~ All dead branches and all live branches up to one-half the total height of the trees must be pruned. Pruning to a total height of 17 feet is required where the trees are tall enough to meet this requirement. Not more than 100 final coniferous ~~desirable~~ crop trees per acre, well distributed throughout the stand will be considered in determining the cost-share payment.

- C) In deciduous stands, pruning to total height of 17 feet is required ~~(never cutting live branches for more than one-half the total height of the tree) where trees are tall enough to meet the requirement.~~ Pruned trees shall retain 40% to 50% of total height as live crown. Deciduous stands must have attained a minimum height of 12 feet to effect a minimum pruning height of 6 feet. Not more than 100 well distributed desirable crop trees per acre shall be selected and fine hardwood (white and red oak, yellow poplar, black walnut, etc.) species ~~shall~~ will be given prime consideration. In order to reduce the risk of decay, care must be taken that no limbs over 3 inches in diameter are cut.

- D) All pruning must be as close to the stem as possible without disturbing the branch bark ridge and branch collar.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.60 Firebreaks to Protect Farm Woodlands—Cost Share

The purpose of this practice is to provide a practical and low cost way of affording protection to ~~timbered areas~~ forests from damage by wildfire.

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- a) The lower branches of trees adjacent to firebreaks must be ~~pruned~~ to increase the effectiveness of the practice.

- b) Cost-Share Rates/Specifications

- 1) Firebreak construction - 80% of actual cost not to exceed \$1.05 per rod.
- 2) Firebreaks for the area shall be cleared to a minimum of 30 1 rod (16.5 feet) in width. (If erosion is a problem, place firebreaks on the contour, or construct the appropriate number of water bars.)

- 3) Firebreaks ~~shall~~ must be disced at least twice annually to keep vegetation from accumulating or as indicated in the approved ~~forest~~ Mmanagement Pplan.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.70 Site Preparation for Natural Regeneration—Cost-Share

The purpose of this practice is to establish a stand of high value forest ~~tree~~ species through natural regeneration for timber production purposes and to protect and improve the environment. Seventy-five percent of the regeneration goal must be oak species on upland forest stands.

- a) Cost-sharing is not authorized for areas of less than one acre.

- b) Cost-sharing is authorized for one additional regeneration treatment, by use of seed or seedlings on the area originally site prepared, if by uncontrollable circumstances, such as ~~poor seed crop~~ weather related problems, etc., natural regeneration fails to become established to the required stocking level.

- c) Cost-Share Rates/Specification

- 1) Site preparation for natural regeneration - 80% of actual cost not to exceed \$44.00 ~~per acre~~ \$25, \$50, \$75, or \$150 per acre determined by the District Forester using the cost-share categories as

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described in Section 1536.30(1)(B)(i) through (iv), as guidelines to determine an appropriate maximum cost-share amount.

- 2) The goal is to obtain conditions whereby a minimum of 20% to 40% of the available light reaches the forest floor, and other site factors are modified to enhance regeneration, by means of: where reduction or elimination of competing vegetation, including unmerchantable or undesirable trees and brush, discing or tillage, use of foliar, cut surface, injected herbicides, mechanical removal of shallow rooted species, prescribed burn, and other measures as prescribed in the forest management plan.

- 3) The creation of soil conditions suitable for the natural establishment of seedlings representing the desired tree species. Seed sources must be in adequate supply before site preparation is performed. A complete written prescription, submitted as an addendum to the forest management plan, must be approved by the District Forester prior to initiation of this practice. The prescription shall address the process outlined by Rod Jacobs, Silviculturalist, U.S. Forest Service, State and Private Forestry, St. Paul, Minnesota, circa 1988. The prescription shall also address the "Elements of a Silvicultural Prescription" and the appropriate "Silvicultural Systems and Regeneration Methods" described in the "FORESTRY HANDBOOK" 2nd Edition, Edited by Karl F. Wenger, for the Society of American Foresters, John Wiley and Sons, New York, 1984.

- 4) Creation of suitable soil conditions for establishment of seedlings of desired species is particularly crucial for oak species. A reasonable expectation of seed deposition on the area to be regenerated must be imminent and abundant before site preparation is performed.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.80 Appeal

- a) Any timber grower and/or landowner whose plan or practice is not approved by the District Forester may appeal to

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the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Forest Management Program Manager.

- b) The appeal must be made within 30 days from the date that the plan or practice was not approved for cost-sharing by writing to the address in 1536.90.

- c) The Regional Review Committee will conduct a meeting to receive written and oral arguments of the applicant and to reconsider the Forest Management Plan and cost-share practices.

- d) The Regional Review Committee will notify the applicant in writing within 30 days of the meeting date stating the reasons for which the original decision is upheld or reversed.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1536.100 Penalty

Each participant in the State Cost-Share Program is responsible for complying with the terms and conditions stated on the agreement, and shall follow the provisions detailed in the forest management plan. Refund of all cost-share payments made will be required if the agreement is not followed.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Educational Service Centers
- 2) Code Citation: 23 Ill. Adm. Code 500
- 3) Section Numbers:
500.10
500.20
500.80
500.90
- 4) Statutory Authority: P.A. 86-1002
- 5) A Complete Description of the Subjects and Issues Involved:

Proposed Action:

Amendment
Amendment
Amendment
Amendment

P.A. 86-1002, effective July 1, 1990, changed the membership of the governing boards of the Educational Service Centers in Class 1 counties. These amendments make corresponding changes in the rules. In an effort to be consistent, the same requirements are also being proposed for Educational Service Centers in Cook County. Finally, the contract limit at which boards must obtain approval for sub-contracts is being increased from \$1,500 to \$5,000 to correspond to requirements in The School Code.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference?

These rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a state mandate.

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NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Ray Schaljo
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-5278

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER O: MISCELLANEOUS

PART 500

EDUCATIONAL SERVICE CENTERS

- Section
- 500.10 Purpose of the Educational Service Centers
- 500.20 Governance
- 500.30 Role of the Governing Board
- 500.40 Role of the Administrative Agent
- 500.50 Programs and Services to be Provided
- 500.60 Allocation of Funds
- 500.70 Areas to be Served
- 500.80 Fiscal Procedures
- 500.90 Grant Application Format
- 500.100 Submission of Application
- 500.110 Review and Approval
- 500.120 Program Evaluation Standards and Procedures

AUTHORITY: Implementing and authorized by Section 2-3.62 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.62, as amended by P.A. 86-1002, effective July 1, 1990).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15949, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 18726, effective October 22, 1986; amended at 13 Ill. Reg. 11481, effective July 3, 1989; amended at ___ Ill. Reg. ___, effective ___.

NOTE: Capitalization denotes statutory language.

Section 500.10 Purpose of the Educational Service Centers

The purpose of the Centers shall be to develop and deliver services designed to meet the needs of the schools in their service areas. However, the following activities and responsibilities must be incorporated into each Center's overall plan for delivery of services:

- a) to provide a variety of inservice training and staff development opportunities to improve the knowledge and skills of educators;

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- b) to coordinate the communication and data reporting requirements from local and regional programs and services to the State Board of Education as these shall be designated by the State Superintendent of Education;
- c) to serve as a clearinghouse for educational information and research; and
- d) to serve as the primary regional delivery system for federal and/or state-supported programs and services in education as authorized in Section 2-3.62 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 2-3.62) or as directed by the State Superintendent of Education.

(Source: Amended at ___ Ill. Reg. ___, effective ___.

Section 500.20 Governance

- a) General requirements for the Governance of all Centers:
 - 1) Section 2-3.62(b) of The School Code provides that "CENTERS WHICH SERVE CLASS-3-COUNTY-SCHOOL-UNITS SHALL BE GOVERNED BY AN 11-MEMBER BOARD WHICH INCLUDES BUT SHALL NOT BE LIMITED TO PUBLISHED-TEACHERS, SUPERINTENDENTS, REGIONAL SUPERINTENDENTS, SCHOOL-BOARD MEMBERS AND A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE REGIONAL SUPERINTENDENTS WHOSE SCHOOLS DISTRICTS ARE SERVED BY THE EDUCATIONAL SERVICE CENTER. No more than five members of the eleven-member Governing Board may represent any single category mentioned above.
 - 2) For Centers outside Cook County, except when a Center and an Educational Service Region have coterminous boundaries, neither the Administrative Agent nor an employee of the Administrative Agent may be a voting member of the Governing Board, for Centers within Cook County, except for the Center serving Chicago School District #397, no Administrative District shall have a Superintendent, Board member, or district employee as a voting member of the Governing Board.
 - 3) The member(s) of the Governing Board who represents public-school teachers

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- superintendents, and board members shall be selected from school districts within each center's service area.
- 4) The member(s) of the Governing Board who represents higher education shall be selected from a public degree-granting postsecondary institution whose campus lies within the area to be served.
- 5) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, superintendents, regional superintendents, school boards, or higher education must reside within the area to be served by the center.
- 6) Terms of office for Governing Board members shall be four years, with the exception of the initial Governing Board members, whose terms shall be established as follows:
- A) four of the eleven members shall serve four years;
 - B) four of the eleven members shall serve three years; and
 - C) three of the eleven members shall serve two years.
- 7) The method of determining a board member's initial term of office shall be established by each center's Governing Board and shall be specified in each center's bylaws.
- 8) The method for filling vacancies on the Governing Boards shall be determined by each center's Governing Board and shall be specified in each center's bylaws.
- 9) All meetings of the centers' Governing Boards must comply with the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41-1 et seq.).
- b) Requirements for the Governance of Centers located within Cook County:

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- 1) Cook County, which is the only non-class-I county in Illinois, will be served by four centers whose corresponding service areas shall be known as North Cook, West Cook, South Cook, and the City of Chicago School District #299.
- 2) The North Cook, West Cook and South Cook Centers shall each be governed by an eleven-member Governing Board which shall be appointed by a five-member selection committee comprised of district superintendents whose school district boundaries lie within the corresponding center's service area. Each selection committee shall be elected at a meeting to be convened by the State Board of Education, whereby all district superintendents within an identified service area will be invited to attend, nominate and elect selection committee members. Nominations for selection committee members will come from the floor and only district superintendents shall be eligible nominees.
- 3) The members of the North Cook, West Cook, and South Cook Center Governing Boards shall include but shall not be limited to public school teachers, superintendents, a regional superintendent (or designee), school board members and a representative of higher education. The Regional Superintendent (or designee) of Cook County shall be a member on each of these three governing boards.
- 4) The City of Chicago School District #299 shall be served by a center and shall be governed by an eleven-member board which shall be appointed by the City of Chicago School District #299 School Board.
- 5) The members of the City of Chicago School District #299 Center's Governing Board shall include but shall not be limited to public school teachers, subdistrict superintendents and a representative of higher education.
- a) General Requirements for the Governance of all Centers
- 1) Each center shall be governed by an 11-member Governing Board. As the terms of current members

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expire, the membership of each board shall be brought into compliance with the requirements of subsections(b)(1), (c)(1) or (d) below. A member who changes category status shall be allowed to remain on the board only if the change does not violate the membership limits established in subsections(b)(1), (c)(1) or (d) below.

- 2) The member(s) of the Governing Board who represents public school teachers, superintendents, and board members shall be selected from school districts within each center's service area.
- 3) The member(s) of the Governing Board who represents higher education shall be selected from a degree-granting postsecondary institution whose campus lies within the area to be served.
- 4) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, superintendents, regional superintendents, school boards, or higher education must reside within the area to be served by the center.
- 5) Terms of office for Governing Board members shall be four years, with the exception of the initial Governing Board members, whose terms shall be established as follows:
 - A) four of the eleven members shall serve four years;
 - B) four of the eleven members shall serve three years; and
 - C) three of the eleven members shall serve two years.
- 6) The method of determining a board member's initial term of office shall be established by each center's Governing Board and shall be specified in each center's bylaws.
- 7) The method for filling vacancies on the Governing Boards, including vacancies created by the expiration of members' terms, shall be determined

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by each center's Governing Board and shall be specified in each center's bylaws.

- 8) All meetings of Governing Boards must comply with the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41 et seq.).
- b) Requirements for centers located outside of Cook County
 - 1) Each 11-member board of a center located outside Cook County SHALL HAVE 3 MEMBERS WHO SHALL BE PUBLIC SCHOOL TEACHERS NOMINATED BY THE LOCAL BARGAINING REPRESENTATIVES TO THE APPROPRIATE REGIONAL SUPERINTENDENTS FOR APPOINTMENT AND NO MORE THAN 3 MEMBERS WHO SHALL BE FROM EACH OF THE FOLLOWING CATEGORIES, INCLUDING BUT NOT LIMITED TO SUPERINTENDENTS, REGIONAL SUPERINTENDENTS, SCHOOL BOARD MEMBERS AND A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE REGIONAL SUPERINTENDENTS WHOSE SCHOOL DISTRICTS ARE SERVED BY THE EDUCATIONAL SERVICE CENTER (Section 2-3.62 of The School Code).
 - 2) Except when a center and an educational service region have coterminous boundaries, neither the administrative agent nor an employee of the administrative agent may be a voting member of the Governing Board.
 - c) Requirements for Cook County Centers located outside of the boundaries of the City of Chicago
 - 1) Each of the Governing Boards of the North Cook, West Cook and South Cook centers shall have 11 members, of whom 3 shall be public school teachers nominated by the local bargaining representatives to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories, including but not limited to superintendents, school board members and a representative of higher education. The Regional Superintendent (or designee) of Cook County shall be a member on each of these three Governing Boards.

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- 2) No Administrative District shall have a superintendent, board member, or district employee as a voting member of the Governing Board.

d) Requirements for the City of Chicago School District #299

The 11 members of the Governing Board shall include 3 public school teachers who shall be nominated by the local bargaining representative to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories, including but not limited to subordinate superintendents and a representative of higher education.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 500.80 Fiscal Procedures

- a) The Administrative Agent of the Educational Service Center shall maintain accurate financial records. The financial records of the Educational Service Center shall be maintained in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual). The State Board of Education and its agents shall have full and complete access at all times during regular business hours to files, records and all other property maintained by the Administrative Agent, for Center purposes.

- b) Other funds available for Educational Service Center purposes, including but not limited to other state and federal grants, registration fees collected, and reimbursements or payments from other state, federal, or local programs shall be expended for the purposes of the Educational Service Center without reducing the amount of a grant pursuant to this Part. The expenditure of such other funds shall be included in the annual audit specified in Section 500.90(g) of this Part.

- c) All purchases exceeding the amount specified in Section 10-20.21 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 10-20.21) must be bid in accordance with that Section.

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- d) The Administrative Agent of the Educational Service Center shall maintain an inventory of equipment (using forms to be provided by the State Board of Education) acquired with funds received directly or indirectly from the State of Illinois.

- e) The Governing Board of each Educational Service Center shall establish travel regulations. The travel regulations shall include reimbursement rates, designation of reimbursable items, and other conditions the Governing Board deems necessary.

- f) Registration fees for Conferences/Workshops are to be determined on a cost-recovery basis.

- g) A maximum daily rate for consultants shall be established by the Governing Board of the Educational Service Center.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 500.90 Grant Application Format

Educational Service Centers shall submit an annual application. Applications shall include the following:

- a) Letter of Transmittal: A cover letter which identifies the applicant, the Center, and includes a copy of the Governing Board's minutes showing the formally approved motion granting the authority to submit the application.

- b) Planning Requirements: A detailed annual plan for the Center. Goals along with specific objectives and enabling activities shall be presented. Activity statements shall include:

- 1) an indication of when each activity will be implemented and completed;
- 2) an indication of who will conduct each activity; and
- 3) an indication of what each activity will accomplish.

- c) Project Staff: Job descriptions for the professional and nonprofessional staff to be employed by the Center.

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If there will be part-time employees, the approximate percentage of time they will be assigned to Center activities shall be submitted. ~~Vitas-ex-resumes~~
Resumes shall not be submitted.

- d) Facilities: The location and nature of facilities to be used for the Center shall be described. If facilities are to be leased, the ownership of the building(s) and the terms of the lease shall be described. Each Center should be established in close proximity to the Administrative Agent. However, availability of building space, access to major transportation arteries, and pockets of dense population may also be considered when choosing a site for the Center. In order to ensure cooperation among the various programs operating within the Center and the efficient use of communications equipment, the Center shall be located on a single site. All staff shall be headquartered in and operate out of the selected Center office.

- e) Subcontracting: Services which may be subcontracted are those which Center staff cannot provide. The following information regarding subcontracts in excess of \$17,500-00 \$5,000.00 shall be provided to the State Board of Education prior to entering into any subcontract:

- 1) a statement of what is needed and why the staff cannot provide it;
- 2) the name of subcontractor;
- 3) the total subcontract amount;
- 4) a description of the goods and/or services to be distributed or delivered;
- 5) a detailed budget including the beginning and ending dates for the proposed subcontract; and
- 6) a resume(s) if the subcontract includes professional services.

- f) The State Superintendent of Education shall approve a subcontract when the evidence presented demonstrates that a need exists which Center staff cannot meet and

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that the costs represent fair market value for the goods and/or services to be provided.

- g) Budget: Applications shall indicate in detail each item of expenditure for the Center. The proposed budget shall be presented on a form provided by the State Board of Education. Budget items shall be annually audited by a Certified Public Accountant.
- h) All unexpended or unobligated grant funds held by the grantee at the end of the grant agreement period shall be returned within 45 days to the State Board of Education.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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- 1) Heading of the Part: Program Accounting Manual
- 2) Code Citation: 23 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.20	Amendment
110.25	Amendment
110.90	Amendment
110.110	Amendment
Table A	Amendment
Table B	Amendment
Table C	Amendment
Table D	Amendment
- 4) Statutory Authority: P.A. 85-1418, P.A. 86-970
- 5) A Complete Description of the Subjects and Issues Involved:
P.A. 85-1418 affects Sections 110.90 and 110.110 by requiring a district governed by Article 34 of The School Code (Chicago District 299) to submit copies of its audit and annual financial reports to the State Board of Education. The public act also requires the Chicago school system to submit to the Board additional information concerning those functions used in the calculation of its administrative cap. P.A. 86-970, effective December 13, 1989, changes the title of the Operations, Building and Maintenance fund to Operations and Maintenance fund, affecting numerous sections of Part 110.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?
These rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives:
These rules will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Lou Audi
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-2098
- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER C: FINANCE

PART 110

PROGRAM ACCOUNTING MANUAL

Section	
110.10	Use of this Manual
110.20	Fund Accounting
110.25	Transfer of Interest to Other Funds
110.30	Balance Sheet Accounting
110.40	Revenue Accounting
110.50	Expenditure Accounting
110.60	Criteria for Cost Identification
110.70	Account Classification Summary
110.80	Transaction Codes
110.90	State Reporting Requirements
110.100	Budgeting
110.110	Audit Requirements
110.115	Educational Service Region Audit

TABLE A EXPLANATION OF FUNDS

TABLE B DEFINITIONS OF BALANCE SHEET ACCOUNTS

TABLE C DEFINITIONS OF REVENUE CLASSIFICATIONS

TABLE D DEFINITIONS OF EXPENDITURE DIMENSIONS

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28 and 34-43.1 of The School Code (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 122, pars. 2-3.17a, 2-3.27, 2-3.28 and 34-43.1).

SOURCE: Adopted at 10 Ill. Reg. 20508, effective December 2, 1986; amended at 13 Ill. Reg. 7610, effective May 4, 1989; amended at ____ Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 110.20 Fund Accounting

- a) Financial administration requires that each transaction be identified for administrative and accounting purposes. The first identification is by "fund" which is an independent fiscal and accounting entity, requiring its own set of self-balancing accounts, and created in accordance with special regulations, restrictions, and limitations that earmark each fund

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for a specific activity or for attaining certain objectives (see Table A). Each fund must be accounted for so that the identity of its resources and obligations and its revenues and expenditures is continually maintained.

- b) The number of funds to be maintained by a particular LEA depends on the nature of its operations rather than on the size of the LEA. Whenever a tax levy is authorized for a given purpose, proper legal accountability for the revenues and expenditures is required. This results in a minimum of two funds for every operating school district in Illinois: an Educational Fund and an Operations-Maintenance and Maintenance Fund.
- c) If the LEA filed a levy for municipal retirement and filed a levy for social security and Medicare/Medicaid only purposes, then the LEA must maintain a Municipal Retirement/Social Security Fund.
- d) If taxes are levied to retire bond principal and to pay bond interest, and/or service charges thereon, then the LEA must maintain a Bond and Interest Fund for each outstanding bond issue.
- e) If pupils are transported at school district expense either to and from school or for other purposes, a Transportation Fund must be maintained.
- f) If bonds are sold to finance construction, a Site and Construction Fund must be maintained to account for the bond proceeds of each bond issue.
- g) If bonds are sold for a Working Cash Fund, a separate fund must be created. This fund would also be created by the filing of a working cash tax levy.
- h) If buildings are rented from the Capital Development Board, a Rent Fund must be maintained.
- i) In addition to the funds, there are two self-balancing groups of accounts for maintaining accounting records of capital assets and long-term liabilities. The General Fixed Assets Account Group records all tangible fixed assets of the LEA including land, buildings, machinery, equipment, furniture and fixtures, regardless of which fund provided the cash at the time

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of purchase. The General Long-Term Debt Account Group records all outstanding bonds of the LEA and other long-term debt.

j) To designate the nine funds and two groups of accounts by symbol rather than using the full descriptions, this standardized numerical designation will be used as the code for this dimension.

- 1) 10 for Educational Fund
- 2) 20 for Operations7-Building7 and Maintenance Fund
- 3) 30 for Bond and Interest Fund
- 4) 40 for Transportation Fund
- 5) 50 for Municipal Retirement/Social Security Fund
- 6) 60 for Site and Construction Fund
- 7) 70 for Working Cash Fund
- 8) 80 for Rent Fund
- 9) 90 for Capital Improvements Fund
- 10) 98 for General Fixed Assets Account Group
- 11) 99 for General Long-Term Debt Account Group

k) LEA's shall use funds appropriate to the legal requirements of their operations and code such funds in the fund dimension. For example, if fund 50 is not used because it is unnecessary to maintain a Municipal Retirement/Social Security Fund, Code 50 cannot be used to designate the Site and Construction Fund since 60 has already been (for the purpose of this dimension) assigned as the standard code for the Site and Construction Fund.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 110.25 Transfer of Interest to Other Funds

INTEREST EARNED FROM THE VARIOUS FUNDS MAY BE TRANSFERRED TO OTHER FUNDS WHICH ARE DETERMINED TO BE IN NEED OF THE INTEREST INCOME UNLESS OTHERWISE RESTRICTED BY BOARD RESOLUTION. However,

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pursuant to Section 10-22.44 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.44), INTEREST EARNED ON FUNDS FOR THE PURPOSES OF ILLINOIS MUNICIPAL RETIREMENT UNDER THE PENSION CODE; TORT IMMUNITY UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT; FIRE PREVENTION AND SAFETY; ENVIRONMENTAL AND ENERGY; AND CAPITAL IMPROVEMENTS MAY NOT BE TRANSFERRED. Interest earned on the Working Cash Fund may only be transferred to the Educational Fund, Transportation Fund, or the Operations7-Building7 and Maintenance Fund.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 110.90 State Reporting Requirements

All school districts, cooperatives/joint agreements, educational service centers, and vocational education regional delivery systems are required to use the program accounting system pursuant to Sections 17-1 and 34-43.1 of The School Code (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 122, pars. 17-1 and 34-43.1). Budget forms and annual financial report forms provided by the State Board of Education are both to be completed annually by all school districts, cooperatives/joint agreements, educational service centers, and vocational education regional systems. These forms are in the required program accounting format, using information in Tables A through D. These forms reflect the minimum state reporting requirements (for expenditures: one digit for fund, four digits for function and one digit for object). The forms are set up in such a manner as to indicate where transactions occur.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 110.110 Audit Requirements

a) School Districts not subject to Article 34

- 1) a) Section 3-15.1 of The School Code requires that each school district and the administrator of a joint agreement SHALL CAUSE AN ANNUAL FINANCIAL STATEMENT TO BE SUBMITTED ON FORMS PRESCRIBED BY THE STATE BOARD OF EDUCATION EXHIBITING THE FINANCIAL CONDITION OF THE PROGRAM ESTABLISHED BY THE SCHOOL DISTRICT OR PURSUANT TO THE JOINT AGREEMENT, FOR THE FISCAL YEAR ENDING ON THE IMMEDIATELY PRECEDING JUNE 30. Each educational service center shall also submit an annual financial statement meeting the requirements of Section 3-15.1 of The School Code and exhibiting

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the financial condition of the center for the fiscal year ending on the immediately preceding August 31.

- 2) b) The original and one copy of the annual financial report from school districts or governing boards that administer joint agreements shall be submitted to the Superintendent of the Educational Service Region on or before October 15, who shall send the original to the State Board of Education on or before November 15 annually. (A joint agreement is an agreement between or among two or more school districts to provide educational services jointly that such districts are authorized to provide individually.) Educational Service Centers shall send the original and one copy of the annual financial report to the State Board of Education by December 15 annually.

- 3) e) The report shall be prepared by an independent Certified Public Accountant, whose opinion and notes are to be inserted therein.

- 4) d) An auditor shall not be considered to be independent if the auditor or any member of the auditor's immediate family is a township or school treasurer or employee thereof, a member or employee of the board of education, or of the regional superintendent, or of the governing board that is responsible for the administration of the LEA that is being audited. (This includes LEA employees who serve in a nonadministrative capacity such as bookkeepers, treasurers, and custodians of funds.)

- 5) e) The auditor must state that the audit was performed in accordance with generally accepted governmental auditing standards. Generally accepted governmental auditing standards means the Government Auditing Standards: Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1988 Revision) published by the Comptroller General of the United States. No later amendments to these standards are incorporated by this rule. If a qualified opinion is rendered, reasons for the qualifications are to be attached and explained in detail.

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- 6) f) The Annual Financial Report form provided by the State Board of Education is designed to be used by both cash and modified accrual basis LEA's. Certain accounts provided for in the form are to be used only for modified accrual basis reporting systems. These accounts are clearly identified in order to avoid confusion. It is, however, necessary to indicate on the form the basis of accounting being used.

- 7) g) If a line is not provided on the above report to accommodate special data, do not insert the data or add a line. The data processing system used to process these forms is not programmed to accept such additions. Use "Other" accounts provided and attach supporting schedules which fully explain items reported under "Other." Reports with lines added are unacceptable.

- 8) h) If an LEA fails to file an annual financial report with the Superintendent of the Educational Service Region on or before October 15, or within the time extended, the Superintendent of the Educational Service Region has the responsibility of causing such an audit to be made and billing the LEA for the audit (Ill. Rev. Stat. 1987, ch. 122, par. 3-7).

- 9) i) Failure of the State Board of Education to detect any deficiency in the report, or to call a deficiency to the attention of the LEA shall not in any way relieve the LEA and the independent auditor of their responsibility for such deficiency under Sections 3-7 and 3-15.1 of The School Code and this Part.

- 10) j) Failure to file an annual financial report could result in a loss of state monies to a LEA. The Superintendent of the Educational Service Region is authorized to restrict or deny state funds to LEA's failing to comply with the submission of reports on or before the appointed date (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.24).

- 11) k) The auditor must sign the opinion letter. The LEA chief administrator, and in Cook County the township treasurer, must sign the annual financial report.

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b) School Districts Subject to Article 34

1) Section 34-43.1 of The School Code requires that each board of education subject to the provisions of Article 34 of The School Code SHALL FILE WITH THE STATE BOARD OF EDUCATION THE ANNUAL FINANCIAL REPORT AND ITS AUDIT, AS REQUIRED BY THE RULES OF THE STATE BOARD OF EDUCATION. SUCH REPORTS SHALL BE FILED NO LATER THAN FEBRUARY 15 FOLLOWING THE END OF THE SCHOOL YEAR OF THE BOARD OF EDUCATION (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 34-43.1).

2) The report shall be prepared by an independent Certified Public Accountant, whose opinion and notes are to be inserted therein.

3) An auditor shall not be considered to be independent if the auditor or any member of the auditor's immediate family is a township or school treasurer or employee thereof, the city treasurer (ex officio treasurer of the board of education) or an employee thereof, a member or employee of a school finance authority created to exercise financial control over the board, a member or employee of the board or of the regional superintendent.

4) The auditor must state that the audit was performed in accordance with generally accepted governmental auditing standards. Generally accepted governmental auditing standards means the Government Auditing Standards: Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1988 Revision) published by the Comptroller General of the United States. No later amendments to these standards are incorporated by this rule. If a qualified opinion is rendered, reasons for the qualifications are to be attached and explained in detail.

5) The Annual Financial Report form provided by the State Board of Education is designed to be used by both cash and modified accrual basis LEA's. Certain accounts provided for in the form are to be used only for modified accrual basis reporting systems. These accounts are clearly identified in

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order to avoid confusion. It is, however, necessary to indicate on the form the basis of accounting being used.

6) If a line is not provided on the above report to accommodate special data, do not insert the data or add a line. The data processing system used to process these forms is not programmed to accept such additions. Use "Other" accounts provided and attach supporting schedules which fully explain items reported under "Other." Reports with lines added are unacceptable.

7) The auditor must sign the opinion letter. A school district administrator must sign the Annual Financial Report.

8) As part of the required Annual Financial Report, the board of education shall provide a detailed accounting of the central level, district (subdistrict), department, and bureau costs and personnel included within expenditure functions:

- A) 2210 Improvement of Instruction Services
- B) 2310 Board of Education Services
- C) 2330 Special Area Administrative Services
- D) 2490 Other Support Services - School Administration
- E) 2500 Support Services - Business
- F) 2600 Support Services - Central

9) The reporting of these functions shall be as follows:

- A) Part I - Expenditures by Functions. This part of the report shall summarize expenditures for these functions from the Educational and the Operations and Maintenance Funds.

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- B) Part II - Expenditures by Location. This part of the report shall summarize expenditures for the functions shown in Part I by location (central level, subdistrict, department, citywide, and attendance centers).
- C) Part III - Personnel. This part of the report shall include Administrative, Technical/Support, and Clerical Staff by function and by location. The number of positions and salary amounts shall be reported for each of these categories.
- D) Special forms shall not be required. Reports, either typewritten or on a computer printout, shall be in the format outlined in subsections (9)(A) through (9)(C).

(Source: Amended at ___ Ill. Reg. ___, effective ___)

TABLE A EXPLANATION OF FUNDS

"Code" "Descriptor"

10 "Educational Fund" (See Ill. Rev. Stat. 1987, ch. 122, par. 17-2) The greatest variety and the largest volume of transactions shall be recorded here because the Educational Fund covers transactions that are not specifically covered in another fund. Certain expenditures that must be charged to this fund include the direct costs of instructional, health and attendance services, lunch programs, all costs of administration (even those for buildings and grounds), and related insurance costs. Certain revenues that must be credited to this fund include educational tax levies, tuition and textbook rentals.

The salaries of janitors, engineers, and other custodial employees, and all costs of fuel, lights, gas, water, telephone service, and custodial supplies and equipment shall be charged to this fund. The school board may provide, by resolution, to charge to the Operations, Building and Maintenance Fund all salaries of janitors, engineers, or other custodial employees and all costs of fuel, lights, gas, water, telephone service, and custodial supplies and equipment or any one or more of these items. (See Ill. Rev. Stat. 1987, ch. 122, par. 17-7.)

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- 20 "Operations-Building and Maintenance Fund" (See Ill. Rev. Stat. 1987, ch. 122, pars. 17-2, 17-7) All costs of maintaining, improving, or repairing school buildings and property, renting buildings and property for school purposes, or for the payment of premiums for insurance on school buildings shall be charged to the Operations, Building and Maintenance Fund.
- 30 "Bond and Interest Fund" (See Ill. Rev. Stat. 1987, ch. 122, par. 19-2 et seq.) Bonds are generally issued to finance the construction of buildings and may be issued for other purposes. Taxes are levied to provide cash to retire these bonds and to pay the interest on them. To protect the bondholders, these tax collections must be accounted for in the Bond and Interest Fund. LEA's must maintain a separate bond and interest fund for each bond issue.
- 40 "Transportation Fund" (See Ill. Rev. Stat. 1987, ch. 122, pars. 17-2, 17-8) If an LEA pays for transporting pupils for any purpose, the Transportation Fund must be created. Costs of transportation, including the purchase of vehicles and insurance on buses, are to be paid from this fund. Moneys received for transportation purposes from any source must be deposited into this fund, except for the portion of state reimbursement applicable to other funds (e.g., utility costs from the Operations-Building and Maintenance Fund) as provided in Sec. 29-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 29-5).
- 50 "Municipal Retirement/Social Security Fund" (See Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 7-171, 21-110, 21-110.1) A separate tax is levied for the purpose of providing resources for the LEA's share of retirement benefits for covered employees. A separate tax is levied for the purpose of providing resources for the LEA's share of social security and Medicare Medicare only payments for covered employees. If these two taxes are not levied, the payments shall be charged to the fund where the salaries are charged.
- 60 "Site and Construction Fund" All of the proceeds of each construction bond issue shall be placed in a Site and Construction Fund to separate these special moneys from operating moneys. The special moneys may be spent for the purposes specified in the bond indenture and on the ballot. Expenditures which would ordinarily be charged to the Education Fund, but which may be charged to the Site and Construction Fund (unless paid before the Site and

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Construction Fund is created), include election expenses, fidelity insurance, architect's fees, legal fees for title search on sites, fees for the legal opinion on the bonds, and other such administrative costs directly related to the construction project.

Expenditures which would ordinarily be charged to the Operations--Building and Maintenance Fund, but which may be charged to the Site and Construction Fund (unless paid before the Site and Construction Fund is created), include the actual construction costs, builder's risk insurance, purchase of land and other site costs, landscaping, parking lots, sidewalks, utility connections, etc., and other items directly related to the construction project.

70 "Working Cash Fund" (See Ill. Rev. Stat. 1987, ch. 122, par. 20-1 et seq.) If a separate tax is levied for working cash purposes or if bonds are sold for this purpose, this fund shall be created. Cash available in this fund may be loaned to the Educational Fund; the Operations--Building and Maintenance Fund; or the Transportation Fund in order that the use of tax anticipation warrants in these funds will be reduced or eliminated.

80 "Rent Fund" (See Ill. Rev. Stat. 1987, ch. 122, par. 35-23) When a tax is levied to provide revenue for paying rent to the State of Illinois Capital Development Board for a state-owned school building, the receipt of taxes shall be recorded in the Rent Fund. The payment of the rent shall be an expenditure of this fund.

90 "Capital Improvements Fund" (See Ill. Rev. Stat. 1987, ch. 122, par. 17-2.3) A Capital Improvements Fund shall be created when a tax is levied in accordance with Section 17-2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2). The moneys received from such levy shall be accumulated until spent for the capital improvements described in the resolution and on the ballot.

98 "General Fixed Assets Account Group" Records of physical assets which have a long-term (i.e., more than one year) period of usefulness to an LEA are maintained in a group of accounts separate from the fund which provided the cash for the purchase of those assets. Acquisitions of general fixed assets shall be recorded here at least at the end of the fiscal year by entering the items purchased during the year and charged in the Educational; Operations--Building and

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Maintenance; Transportation; Site and Construction; and Capital Improvements Funds.

99 "General Long-Term Debt Account Group" Records of a school district's total bonded debt are maintained in a group of accounts separate from the Bond and Interest Fund. When bonds are sold and the resolution including future tax levies is filed with the county clerk, this event shall be entered in the General Long-Term Debt Account Group. Other types of general long-term debt are also recorded here.

Combining Funds - In accordance with generally accepted governmental accounting standards, certain funds are combined for reporting purposes on the Annual Financial Report. The combinations used for the preparation of the "combined" and "combining" statements on the Annual Financial Report are as follows:

General: Educational and Operations--Building and Maintenance Funds

Special Revenue: Transportation and Municipal Retirement/Social Security Fund

Debt Service: Bond and Interest and Rent Funds

Capital Projects: Site and Construction and Capital Improvements Funds

Fiduciary: Working Cash and Agency Funds (includes Activity Funds)

Account Groups: General Fixed Assets and General Long-Term Debt

(Source: Amended at ___ Ill. Reg. ___, effective _____)

TABLE B DEFINITIONS OF BALANCE SHEET ACCOUNTS

"Assets and Other Debits"

Assets and Other Debits include what is owned and other items not owned as of the date of the balance sheet but expected to become fully owned at some future date as well as other budgeting and offsetting accounts which normally have debit balances.

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- | "Code" | "Descriptor" |
|--------|---|
| 100 | "Current Assets" Current Assets are cash or anything that can be readily converted into cash. |
| 101 | "Cash" Currency, coin, checks, postal and express money orders, and bankers' drafts on hand, or on deposit, with an official or agent designated as custodian of cash and bank deposits. |
| 102 | "Petty Cash" A sum of money set aside for the purpose of making change or immediate payments of comparatively small amounts, such as freight bills. No entries appear in this account except to open and close it, unless it is increased or decreased.

Paid invoices shall be held to substantiate expenditures from this fund. At the end of each month and periodically throughout the month, if necessary, the fund should be replenished to its original amount and charges made to the appropriate expenditure accounts for the amount replenished. At the end of the year, petty cash funds may be closed and included in Account 101; however, this is not required. |
| 103 | "Cash Change Funds" A sum of money set aside for the purpose of providing cash register change. |
| 104 | "Cash with Fiscal Agent" Deposits with fiscal agents, such as commercial banks, for the payment of matured bonds and interest. |
| 105 | "Imprest Fund" This fund is maintained in a bank and is established to provide for emergency disbursements for which the district wishes to issue a check, but because of the timing cannot pay through the regular disbursement procedure. The same procedure shall be followed for replenishing the account as that used for Petty Cash. The balance of the account may be returned to the |

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| 110 | district treasurer on or before June 30 of each year, but this is not required.

"Taxes Receivable" The uncollected portion of taxes which a school system or governmental unit has levied, including any interest or penalties which may be accrued. Separate accounts may be maintained on the basis of tax roll year and/or current and delinquent taxes. |
| 111 | "Estimated Uncollectible Taxes (Credit)" A provision for that portion of taxes receivable which it is estimated will not be collected. The account is shown on the balance sheet as a deduction from the 110 Taxes Receivable account in order to arrive at the net amount of taxes receivable. Separate accounts may be maintained on the basis of tax roll year and/or delinquent taxes. |
| 112 | "Tax Liens Receivable" Legal claims against property which have been exercised because of non-payment of delinquent taxes, interest, and penalties. The account includes delinquent taxes, interest, and penalties receivable up to the date the lien becomes effective plus the cost of holding the sale. |
| 113 | "Estimated Uncollectible Tax Liens (Credit)" A provision for that portion of tax liens receivable which it is estimated will not be collected. The account is shown on the balance sheet as a deduction from the 112 Tax Liens Receivable amount in order to arrive at the net amount of tax liens receivable. |
| 120 | "Accounts Receivable" Amounts owing on an open account from private persons, firms, or corporations for goods and services furnished by a LEA (but not including amounts due from other funds or from other governmental units). Although taxes receivable are covered by this term, they shall be recorded and reported separately in the Taxes Receivable account. |

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- 121 "Bond Proceeds Receivable" Amounts receivable from the sale of bonds.
- 122 "Loans Receivable" Amounts which have been loaned to persons or organizations, where permitted by statutory authority.
- 131 "Due From Educational Fund" Amounts owed by the Educational Fund to another Fund in the same LEA for goods sold or services rendered, and excluding Interfund Loans.
- 132 "Due from Operations,-Building, and Maintenance Fund" Amounts owed by the Operations,-Building, and Maintenance Fund to another Fund in the same LEA for goods sold or services rendered and excluding Interfund Loans.
- 133 "Due from Transportation Fund" Amounts owed by the Transportation Fund to another Fund in the same LEA for goods sold or services rendered and excluding Interfund Loans.
- 134 "Due from Site and Construction Fund" Amounts owed by the Site and Construction Fund to another Fund in the same LEA for goods sold or services rendered and excluding Interfund Loans.
- 135 "Due from Capital Improvements Fund" Amounts owed by the Capital Improvements Fund to another Fund in the same LEA for goods sold or services rendered and excluding Interfund Loans.
- 140 "Due From Other Governmental Units" Amounts due to the reporting governmental unit from other governmental units. These amounts represent grants-in-aid, shared taxes, taxes collected for the reporting unit by another unit, loans, and charges for services rendered by the reporting unit for another government. It is recommended that separate accounts be maintained for each receivable.
- 141 "Estimated Uncollectible Claim From Other Governmental Unit (Credit)" A provision for

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- 151 that portion of money due from other governmental units which it is estimated will not be collected. This account is shown on the balance sheet as a deduction from the 140 account (Due From Other Governmental Units) in order to arrive at the net amount if due from other governmental unit.
- 152 "Loan to Educational Fund" An asset account used to record a loan by the Operations,-Building, and Maintenance Fund; Transportation Fund; or Working Cash Fund to the Educational Fund.
- 153 "Loan to Operations,-Building, and Maintenance Fund" An asset account used to record a loan by the Educational Fund; Transportation Fund; or Working Cash Fund; to the Operations,-Building, and Maintenance Fund.
- 162 "Loan to Transportation Fund" An asset account used to record a loan by the Educational Fund; Operations,-Building, and Maintenance Fund or Working Cash Fund to the Transportation Fund.
- 163 "Interest Receivable on Investments" Amounts of interest receivable on investments.
- 170 "Accrued Interest on Investments Purchased" Interest accrued on investments between the last interest payment date and date of purchase. The account shall be carried as an asset until the first interest payment date after the date of purchase. At that time an entry shall be made debiting Account 101 - Cash, and crediting Account 163 - Accrued Interest on Investments Purchased for the amount of interest purchased.
- 171 "Inventory" The cost of supplies and equipment on hand not yet distributed to requisitioning units.
- 171 "Inventories for Resale" The value of goods held by an LEA for resale rather than for use

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in its own operations. The cost of all materials and other expense incurred in the building of vocational projects for sale shall be debited here and reflected as an asset in the Educational Fund. When the project is sold, this account shall be credited for an amount equal to the cost. Any profit or loss on the project shall be charged to the proper revenue or expense account.

180

"Investments" Securities and real estate held for the production of income in the form of interest, dividends, rentals, or lease payments. The account does not include fixed assets used in LEA operations. Separate accounts for each category of investments may be maintained.

181

"Unamortized Premiums on Investments" The excess of the amount paid for securities over the face value which has not yet been amortized. Use of this account is normally restricted to long-term investments.

182

"Unamortized Discounts on Investments (Credit)" The excess of the face value of securities over the amount paid for them which has not yet been written off. Use of this account is normally restricted to long-term investments.

191

"Deposits" Funds deposited by the LEA as a prerequisite to receiving services and/or goods. Deposits differ from prepaid expenses in that deposits are partial payments made prior to receiving services and/or goods, while prepaid expenses are commonly total payment made within one fiscal year for services to be received in one or more fiscal years.

192

"Prepaid Expenses" Expenses entered in the accounts for benefits not yet received. Prepaid expenses differ from deferred charges in that they are spread over a shorter period of time than deferred charges and are

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regularly recurring costs of operations. Examples of prepaid expenses are prepaid rent, prepaid interest, and unexpired insurance premiums. An example of a deferred charge is unamortized discounts on bonds sold.

193

"Unamortized Discounts on Bonds Sold" That portion of the excess of the face value of bonds over the amount received from their sale which remains to be written off periodically over the life of the bonds.

194

"Other Accrued Revenue" Accrued revenue that is not provided for elsewhere.

199

"Other Current Assets" Current assets not provided for elsewhere.

200

"General Fixed Assets" General Fixed Assets are those assets which the LEA intends to hold or continue in use over a long period (i.e., more than one year) of time.

201

"Land" A fixed asset account which reflects the acquisition value of land owned by a LEA. If land is purchased, this account shall include the purchase price and costs such as legal fees, filling and excavation costs, and other associated improvement costs which are incurred to put the land in condition for its intended use. If land is acquired by gift, the account shall reflect its appraised value at time of acquisition.

202

"Buildings" A fixed asset account which shall reflect the acquisition value of permanent structures or major improvements to existing permanent structures used to house persons and property owned by the LEA. If buildings are purchased or constructed, this account shall include the purchase or contract price of all permanent buildings and fixtures attached to and forming a permanent part of such buildings. If buildings are acquired by gift, the account shall reflect their appraised value at time of acquisition.

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203

"Improvements Other Than Buildings" A fixed asset account which shall reflect the acquisition value of permanent improvements, other than buildings, which add value to land. Examples of such improvements are fences, retaining walls, sidewalks, pavements, gutters, tunnels, and bridges. If the improvements are purchased or constructed, this account shall contain the purchase or contract price. If improvements are obtained by gift, it shall reflect the appraised value at time of acquisition.

204

"Equipment Other Than Transportation" Tangible property of a more or less permanent nature, other than land, buildings, or improvements thereto, which is useful in carrying on operations. Examples are machinery, tools, trucks, cars, furniture, and furnishings.

205

"Construction in Progress" The cost of construction work undertaken but not yet completed.

206

"Transportation Equipment" Tangible property of a more or less permanent nature, other than land, buildings, or improvements thereto, which is used for transporting pupils.

300

"Budgeting Accounts and Other Debits" Budgeting Accounts and Other Debits shall include budgeted amounts and their status as related to expenditures and encumbrances as well as items which are offsetting accounts and which normally have debit balances.

301

"Estimated Revenues" The amount of revenues estimated to be received or to become receivable during the fiscal period. At the end of the fiscal period, the account shall be closed out and will not appear in a balance sheet prepared at the close of the fiscal period.

302

"Revenue (Credit)" The increase in ownership equity during a designated period of time.

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The account shall appear only in a balance sheet prepared during the fiscal period. At the end of the fiscal period, the account shall be closed out and will not appear in a balance sheet prepared at the close of the fiscal period. This is the control account for the revenues.

303

"Bonds Authorized - Unissued" Bonds which the LEA can issue without further proceedings other than to direct their sale. The account shall be included among the resources of a specific fund offset by a credit to Appropriations. When the bonds are sold, the account shall be credited and cash debited. An alternative approach is not to show the Bonds Authorized - Unissued account in the balance sheet but merely to call attention to the amount of bonds that have been authorized and not issued in a footnote to the appropriate balance sheet. In this case, the journal entry at the time bonds are sold would be a debit to Cash for the proceeds and a credit to the revenue account, Sales of Bonds.

304

"Amount Available in Debt Service Funds" An account in the General Long-Term Debt Account Group which designates the amount of assets available in a Debt Service Fund for the retirement of general long-term debt.

305

"Amount to be Provided for Payment of Long-Term Debt" An account in the General Long-Term Debt Account Group which represents the amount to be provided from taxes or other general revenue to retire outstanding general long-term debt.

Liabilities, Reserves, and Fund Balance

Liabilities, Reserves, and Fund Balance are LEA Debts plus items which are not debts but which may become debts at some future time as well as other budgeting and offsetting accounts which normally have credit balances and show up only on trial balance sheets.

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400

"Current Liabilities" Current liabilities are those debts the LEA expects to pay within a short period of time, usually within a year or less.

401

"Vouchers Payable" Liabilities for goods and services received as evidenced by vouchers which have been pre-audited and approved for payment but which have not been paid.

402

"Accounts Payable" Liabilities on open account owing to private persons, firms, or corporations for goods and services received by an LEA (but not including amounts due to other funds of the same LEA or to other governmental units).

403

"Judgments Payable" Amounts due to be paid by an LEA as the result of court decisions, including condemnation awards in payment for private property taken for public use.

404

"Contracts Payable" Amounts due on contracts for assets, goods, and services received by an LEA other than construction.

405

"Construction Contracts Payable" Amounts due by an LEA on contracts for construction of building structures, and other improvements.

406

"Corporate Personal Property Replacement Tax Anticipation Notes Payable" Amounts due by an LEA for corporate personal property tax anticipation notes issued according to Chapter 85, paragraph 824.1 of the Illinois Revised Statutes (Ill. Rev. Stat. 1987, ch. 85, par. 824.1).

407

"Anticipation Warrants Payable" Amounts due by an LEA for tax anticipation warrants issued as described in Section 17-16 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-16).

408

"Anticipation Notes Payable" Amounts due by an LEA for tax anticipation notes issued as described in Chapter 85, paragraph 822, of

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409

the Illinois Revised Statutes (Ill. Rev. Stat. 1987, ch. 85, par. 822).

"Teachers' Orders Payable" Amounts due by an LEA for teachers' orders issued as described in Sections 8-16 and 10-18 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 8-16 and 10-18).

410

"State Aid Anticipation Certificates Payable" Amounts due by an LEA for State Aid Anticipation Certificates issued according to Section 18-18 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-18).

411

"Due to Educational Fund" Amounts owed to the Educational Fund by another Fund in the same LEA for goods sold or services rendered, excluding Interfund Loans.

412

"Due to Operations-Building and Maintenance Fund" Amounts owed to the Operations-Building and Maintenance Fund by another Fund in the same LEA for goods sold or services rendered, excluding Interfund Loans.

413

"Due to Transportation Fund" Amounts owed to the Transportation Fund by another Fund in the same LEA for goods sold or services rendered, excluding Interfund Loans.

414

"Due to Site and Construction Fund" Amounts owed to the Site and Construction Fund by another Fund in the same LEA for goods sold or services rendered, excluding Interfund Loans.

415

"Due to Capital Improvements Fund" Amounts owed to the Capital Improvement Fund by another Fund in the same LEA for goods sold or services rendered, excluding Interfund Loans.

420

"Due to Other Governmental Units" Amounts owed by the reporting LEA to the named governmental unit. It is recommended that separate accounts be maintained for each interagency account payable.

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- 431 "Loan from Educational Fund" A liability account used to record a loan from the Educational Fund to the Operations7-Building7 and Maintenance Fund or Transportation Fund.
- 432 "Loan from Operations7-Building7 and Maintenance Fund" A liability account used to record a loan from the Operations7 Building7 and Maintenance Fund to the Educational Fund or Transportation Fund.
- 433 "Loan from Transportation Fund" A liability account used to record a loan from the Transportation Fund to the Educational Fund or the Operations7-Building and Maintenance Fund.
- 434 "Loan from Working Cash Fund" A liability account used to record a loan from the Working Cash Fund to the Educational Fund; Operations7-Building7 and Maintenance Fund; or Transportation Fund.
- 441 "Matured Bonds Payable" Bonds which have reached or passed their maturity date but which remain unpaid.
- 442 "Matured Interest Payable" Interest on bonds which have reached the maturity date but which remain unpaid.
- 451 "Teachers' Pension Payable" Teachers' pension deductions withheld from salaries of employees who participate in the Illinois Teachers' Retirement System.
- 452 "Federal Withholding Tax Payable" Federal income taxes withheld from employees' salaries.
- 453 "State Withholding Tax Payable" State income taxes withheld from employees' salaries.
- 454 "Municipal Retirement Payable" Municipal retirement deductions withheld from salaries of employees who participate in the Illinois Municipal Retirement System.

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- 455 "Annuities Payable" Annuity deductions withheld from employees' salaries.
- 456 "Employee Insurance Payable" Insurance deductions withheld from employees' salaries.
- 457 "Federal Insurance Contribution Act Payable" FICA (Social Security) deductions withheld from employees' salaries.
- 458 "Medicare Only Payable" Medicare only deductions withheld from employees' salaries.
- 459 "Other Payroll Deductions Payable" Other deductions withheld from employees' salaries.
- 461 "Accrued Expenses" Expenses incurred during the current accounting period but which are not payable until a subsequent accounting period. Examples of accrued expenses are accrued salaries, accrued tuition expense, accrued interest, and accrued rent.
- 471 "Deposits" Liability for deposits received as a prerequisite to providing or receiving services and/or goods.
- 472 "Due to Fiscal Agent" Amounts due to fiscal agents, such as commercial banks, for servicing an LEA's maturing indebtedness.
- 473 "Unamortized Premiums on Bonds Sold" An account which represents that portion of the excess of bond proceeds over par value and which remains to be amortized over the remaining life of such bonds.
- 474 "Deferred Revenues" Liability accounts that represent assets receivable or collected before they are recognized as revenue.
- 480 "Due to Activity Fund Organizations" A liability account that represents assets held by an LEA as an agent for activity fund organizations (An Agency Fiduciary Fund).

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- 499 "Other Current Liabilities" Other current liabilities not provided for elsewhere.
- 500 "Long-Term Liabilities" Long-Term Liabilities are debts which a school district plans to hold for a long period (i.e., more than one year) of time.
- 501 "Bonds Payable" The face value of bonds issued and outstanding.
- 599 "Other Long-Term Liabilities" Other long-term liabilities not provided for elsewhere.
- 600 "Budgeting Accounts and Other Credits" These categories represent accounts which reflect budgeted amounts and their status as related to expenditures and encumbrances as well as offsetting accounts which normally have credit balances.
- 601 "Appropriations" This account records authorizations granted by the legislative body to make expenditures and to incur obligations for specific purposes. This account appears in a balance sheet prepared during the fiscal period. At the end of the fiscal period, the Appropriations account is closed out and does not appear in the balance sheet prepared at the close of the fiscal period.
- 602 "Expenditures (Debit)" This account appears in balance sheets prepared during the fiscal period and designates the total of expenditures charged against appropriations during such period. The account is shown in each balance sheet as a deduction from the Appropriations account to arrive at the expected balance of total appropriations. This is the control account for expenditures.
- 603 "Encumbrances (Debit)" This account designates obligations in the form of purchase orders, contracts, or salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved. In an interim

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- 700 balance sheet, encumbrances are deducted along with the expenditures from the Appropriations account to arrive at the unencumbered balance of appropriations.
- 701 "Reserves and Fund Balance" These are accounts which show the excess of the assets of a fund over its liabilities and those that have a portion of the balance reserved for future use.
- 702 "Reserve for Encumbrances" A reserve representing the segregation of a portion of a fund balance to provide for unliquidated encumbrances. Separate accounts may be maintained for current and prior year encumbrances.
- 703 "Reserve for Inventory" A reserve which represents the segregation of a portion of a fund balance to indicate that assets equal to the amount of the reserve are tied up in inventories of supplies and inventories on hand and not issued to requesting units.
- 704 "Fund Balance-Reserved or Restricted" A reserve which represents the segregation of a portion of a fund balance to indicate that assets equal to the amount of the reserve are tied up for the named special purpose. Separate accounts may be maintained for each reserved or restricted balance.
- 705 "Fund Balance" The excess of the assets of a fund over its liabilities and reserves, except in the case of funds subject to budgetary accounting where, prior to the end of a fiscal period, it represents the excess of the fund's assets and estimated revenues for the period over its liabilities, reserves, and appropriations for the period.
- 706 "Investment in General Fixed Assets" An account in the General Fixed Assets Account Group which represents the LEA equity in general fixed assets.

(Source: Amended at Ill. Reg. ____, effective ____)

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TABLE C DEFINITIONS OF REVENUE CLASSIFICATIONS

"Code"	"Descriptor"
1000	Revenue From Local Sources
1100	Ad Valorem Taxes levied by school system.
1110	"General Levies" Taxes received from the general levy for each fund authorized as follows:
	"Educational Fund" - Sections 17-2 and 17-3 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 17-2 and 17-3).
	"Operations-Building and Maintenance Fund" - Sections 17-2 and 17-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 17-2 and 17-5).
	"Bond and Interest Fund" - Sections 17-2.11a, 17-12, 19-7, 19-22, and 19-30 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 17-2.11a, 17-12, 19-7, 19-22, and 19-30).
	"Transportation Fund" - Sections 17-2 and 17-4 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 17-2 and 17-4).
	"Municipal Retirement/Social Security Fund" - Section 22-403 of the Illinois Pension Code for Municipal Retirement purposes only (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 22-403).
	"Working Cash Fund" - Section 20-3 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 20-3).
	"Rent Fund" - Sections 35-23 and 35-24 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 35-23 and 35-24).
	"Capital Improvements Fund" - Section 17-2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2).

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1111	"Current Year Levy"
1112	"First Prior Year Levy"
1113	"Other Prior Years' Levies"
1120	"Tort Immunity Levy" Taxes received from the levy for tort immunity purposes as authorized by the Illinois Revised Statutes, 1985, Chapter 85, Article 9, paragraph 107 (Ill. Rev. Stat. 1987, ch. 85, par. 9-107).
1121	"Current Year Levy"
1122	"First Prior Year Levy"
1123	"Other Prior Years' Levies"
1130	"Fire Prevention, Safety, Environmental and Energy Conservation Levy" Taxes received from the levy for fire prevention and safety purposes as authorized in Section 17-2.11 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2.11).
1131	"Current Year Levy"
1132	"First Prior Year Levy"
1133	"Other Prior Years' Levies"
1140	"Special Education Levy" Taxes received from the levy for special education as authorized in Section 17-2.2a of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2.2a).
1141	"Current Year Levy"
1142	"First Prior Year Levy"
1143	"Other Prior Years' Levies"
1150	"Social Security/Medicare Only Levy" Taxes received from the levy for the employer's share of Social Security taxes and the employer's share of Medicare Only payments

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(Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 21-110 and 21-110.1).

1151 "Current Year Levy"

1152 "First Prior Year Levy"

"Other Prior Years' Levies"

1153

1160 "Area Vocational Construction Levy" Taxes received from the levy for area vocational construction purposes as authorized in Section 17-2.4 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2.4).

1161 "Current Year Levy"

1162 "First Prior Year Levy"

1163 "Other Prior Years' Levies"

1170 "Summer School Levy" Taxes received from the levy for summer school purposes as authorized in Section 17-2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2).

1171 "Current Year Levy"

1172 "First Prior Year Levy"

1173 "Other Prior Years' Levies"

1190 "Other Tax Levies" Taxes received from other tax levies not provided for herein.

1191 "Current Year Levy"

1192 "First Prior Year Levy"

1193 "Other Prior Years' Levies"

"Payments in Lieu of Taxes"

1200

"Mobile Home Privilege Tax"

1210

"Payments from Local Housing Authority"

1220

1230 "Corporate Personal Property Replacement Tax" Amounts received from tax revenues that replace the revenue lost as the result of abolition of ad valorem personal property taxes pursuant to Article IX, Section 5(c) of the Constitution of the State of Illinois. Revenues must first be applied to the Bond and Interest Fund (for bonds sold before 1-1-79) and the Municipal Retirement Fund to replace the lost tax revenues. Revenues may be deposited into any other funds (any fund other than the Site and Construction Fund), after satisfying the two liens.

1290 "Other Payments in Lieu of Taxes"

1300

"Tuition" Assessment amounts received from: pupils, their parents, and welfare agencies; other LEAs for education provided in the local education agency; and private sources (Others). (Paying LEAs: See function 4100 categories, object 800 for applicable expenditure account numbers.)

1310

"Regular Day School Tuition" Amounts received for pupils attending the regular day schools in the local education agency as authorized in Section 10-20.12a of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-20.12a).

1311 "Regular Tuition From Pupils or Parents"

1312 "Regular Tuition From Other LEAs"

1313 "Regular Tuition From Other Sources"

1320 "Summer School Tuition" Amounts received for pupils attending summer school.

1321 "Summer School Tuition From Pupils or Parents"

1322 "Summer School Tuition From Other LEAs"

1323 "Summer School Tuition From Other Sources"

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- 1330 "Vocational Educational Tuition" Amounts received for pupils attending vocational education programs.
- 1331 "Vocational Tuition From Pupils or Parents"
- 1332 "Vocational Tuition From Other LEAs"
- 1333 "Vocational Tuition From Other Sources"
- 1340 "Special Education Tuition" Amounts received for pupils attending special education programs.
- 1341 "Special Education Tuition From Pupils or Parents"
- 1342 "Special Education Tuition From Other LEAs"
- 1343 "Special Education Tuition From Other Sources"
- 1350 "Adult/Continuing Education Tuition" Amounts received for pupils attending adult/continuing education schools in the LEA.
- 1351 "Adult Tuition From Pupils or Parents"
- 1352 "Adult Tuition From Other LEAs"
- 1353 "Adult Tuition From Other Sources"
- 1400 "Transportation Fees" Amounts received from pupils, their parents, welfare agencies, private sources, and other LEAs for transporting pupils to and from school and school activities as authorized in Article 29 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 29-1 et seq.). (Paying LEAs: See function 4100 categories, object 300 category for applicable expenditure account numbers.)
- 1410 "Regular Day School Transportation Fees" Amounts received for transporting pupils to and from regular day school and school activities.

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- 1411 "Regular Transportation Fees From Pupils or Parents"
- 1412 "Regular Transportation Fees From Other LEAs"
- 1413 "Regular Transportation Fees From Private Sources"
- 1415 "Regular Transportation Fees From Pupils/Cocurricular Activities"
- 1420 "Summer School Transportation Fees" Amounts received to transport pupils to and from summer school.
- 1421 "Summer School Transportation Fees From Pupils or Parents"
- 1422 "Summer School Transportation Fees From Other LEAs"
- 1423 "Summer School Transportation Fees From Other Sources"
- 1430 "Vocational Education Transportation Fees" Amounts received to transport pupils to and from Vocational classes.
- 1431 "Vocational Transportation Fees From Pupils or Parents"
- 1432 "Vocational Transportation Fees From Other LEAs"
- 1433 "Vocational Transportation Fees From Other Sources"
- 1440 "Special Education Transportation Fees" Amounts received to transport pupils to and from Special Education programs.
- 1441 "Special Education Transportation Fees From Pupils or Parents"
- 1442 "Special Education Transportation Fees From Other LEAs"

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1443 "Special Education Transportation Fees From Other Sources"

1450 "Adult/Continuing Education Transportation Fees" Amounts received to transport pupils to and from Adult/Continuing Education programs.

1451 "Adult Transportation Fees From Pupils or Parents"

1452 "Adult Transportation Fees From Other LEAs"

1453 "Adult Transportation Fees From Other Sources"

1500 "Earnings on Investments" Revenue from holdings invested for earnings purposes.

1510 "Interest on Investments" Interest received on short-term or long-term investments in United States Treasury Bills, notes, bonds; savings accounts; time certificates of deposit; notes; mortgages; or other interest-bearing obligations.

1520 "Gain or Loss on Sale of Investments" Gains or losses realized from the sale of bonds. Gains represent the excess of the sales proceeds over cost or other basis as of the date of sale (cost less amortization of premium in the case of long-term bonds purchased at a premium over par value or cost plus amortization of discount on long-term bonds purchased at a discount under par value). Gains realized from sale of U.S. Treasury bills represent income and should be credited to account 1510 above.

Losses represent the excess of the cost or other basis at date of sale (as described above) over the sales proceeds.

1600 "Food Services" Amounts received for dispensing food to pupils and adults.

1610 "Sales to Pupils" Amounts received from pupils for sale of food products and

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services. Better financial control, analysis and reporting for federal and state reimbursements can be obtained by maintaining separate accounts by type of sale. Use of this account is required for federal reimbursement purposes.

1611 "Sales to Pupils - Lunch"

1612 "Sales to Pupils - Breakfast"

1613 "Sales to Pupils - A la Carte"

1614 "Sales to Pupils - Other"

1620 "Sales to Adults" Amounts received from adults for sale of food products and services. Regular meals or food products sold to staff can be segregated from special dinners and affairs for special purposes by maintaining separate accounts.

1690 "Other Food Service Revenue" Amounts received from local sources for other food service activities.

1700 "Pupil Activities" Amounts received from school sponsored activities.

1710 "Admissions" Amounts received from patrons of a school sponsored activity.

1711 "Athletic" Amounts received from school sponsored athletic events.

1719 "Other" Amounts received from admissions to all other school sponsored events except athletics.

1720 "Fees" Amounts received from pupils for fees (except transportation) such as towel fees, locker fees, and equipment fees.

1730 "Book Store Sales" Amounts received from sales resulting from the operation of a bookstore. Sales may be recorded in separate revenue accounts according to the type of product sold, if desired.

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- 1790 "Other Pupil Activity Revenue" All other revenue from pupil activities not specified above.
- 1800 "Textbooks" Amounts received from the rental or sale of textbooks.
- 1810 "Textbook Rentals" Amounts received from the rental of textbooks as authorized in Section 10-22.25 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.25).
- 1811 "Regular Textbook Rentals"
- 1812 "Summer School Textbook Rentals"
- 1813 "Adult/Continuing Education Textbook Rentals"
- 1819 "Other Textbook Rentals"
- 1820 "Textbook Sales" Amounts received from the sales of textbooks as authorized in Section 28-8 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 28-8).
- 1821 "Regular Textbook Sales"
- 1822 "Summer School Textbook Sales"
- 1823 "Adult/Continuing Education Textbook Sales"
- 1829 "Other Textbook Sales"
- 1890 "Other Textbook Revenues" Textbook revenues not provided for in the 1800 thru 1829 series of accounts.
- 1900 "Other Revenue From Local Sources" Other amounts received from local sources which are not classified above.
- 1910 "Rentals" Amounts received for rental of school property, real or personal.
- 1920 "Contributions and Donations From Private Sources" Amounts received from a philanthropic foundation, private

individuals, or private organizations for which no repayment or special service to the contributor is expected.

1930

"Sale or Compensation for Loss of Fixed Assets" Amounts received from the sale of school property or realized from recoveries for loss of school property.

1931 "Sale of Equipment" Amounts received from the sale of equipment such as school buses, cafeteria equipment, and instructional equipment.

1932 "Sale of Buildings and Grounds" Amounts received from the sale of a building or land or a combination of both. Proceeds may be deposited in any fund after any outstanding bonds are paid as authorized in Section 5-22 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 5-22). The sale of a building representing a vocational project for resale is credited in the Education Fund to General Ledger Account 171.

1933 "Compensation for Loss of Assets" Compensation or insurance recoveries for loss of school property not being replaced. If the school property will be replaced within the current fiscal year, it should be credited to the proper expenditure account.

1940

"Services Provided Other LEAs" Amounts received from services provided other LEAs other than for tuition and transportation services. Services could include data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance, etc. (Paying LEAs: See function 4100 categories, object 300 and object 600 numbers.)

1950

"Refund of Prior Years' Expenditures" Amounts received in refund of an expenditure charged to a prior fiscal year's budget. A refund of an expenditure made in the same fiscal year's budget may be recorded in the

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appropriate expenditure account as a reduction of the expenditure.

1990

"Other" Amounts received from local sources not provided for elsewhere.

1991 "Payment From Other Districts" Special Education or Vocational Education Buildings.

1992 "Sale of Vocational Projects" Amounts representing gain from the sale of vocational projects.

1993 "Local Fees" Amounts assessed or received from local sources for district programs (example: driver education fees).

1999 "Other" Amounts received from local sources that are not provided for otherwise in the 1000 through 1992 series of accounts.

2000

"Flow-through Revenue from One LEA to Another" LEA Payments one LEA makes to another LEA representing mini-grant projects and flow-through grants-in-aid to be used for specific grant-related purposes. (Paying LEAs: See function 4100 categories, object 700 categories for applicable expenditure account numbers.) LEAs include any school districts; any joint agreements, such as special education centers or area vocational centers; vocational education regional delivery systems; and educational service centers. The Educational Service Region (ESR) is not an LEA for the purposes of this definition; any revenue received from the ESR is a direct payment to the LEA.

2100

"Flow-through Revenue from State Sources" These state revenues can be further subdivided to account for individual grants.

2200

"Flow-through Revenue from Federal Sources" These federal revenues can be further subdivided to account for individual grants.

3000

Revenue From State Sources

3100

"Unrestricted Grants-In-Aid" Amounts received as grants by the LEA which can be used without restriction for any legal purpose desired by the LEA.

3110

"General State Aid" Amounts received from the state for the general apportionment (flat grant) and the equalization portions of General State Aid as authorized in Section 18-8 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-8).

3120

"Supplementary State Aid" Amounts received from the state including tax amnesty monies or Supplementary State Aid for new districts (formed by the consolidation of previously existing districts) as authorized in Sections 18-8(A)(5)(m), 18-8.2, and 18-8.3 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 18-8(A)(5)(m), 18-8.2 and 18-8.3).

3200

"Restricted Grants-In-Aid" Amounts received as grants by the LEA which must be used for a categorical or specific purpose if payments were made on a grant basis.

3210

"Transportation Aid" Amounts received from the state for transportation aid.

3211

"Regular" Amounts received from the state for a portion of the cost of transporting regular students as authorized in Section 29-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 29-5).

3212

"Special Education" Amounts received from the state for a portion of the cost of transporting Special Education students as authorized in Sections 14-7.02 and 14-13.01 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 14-7.02 and 14-13.01).

3213

"Vocational Education" Amounts received from the state for a portion of the cost of transporting Vocational Education students as authorized in Section 29-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 29-5).

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- 3220 "Instructional Program Aid" Amounts received from the state for Instructional Program Aid.
- 3221 "Driver Education" Amounts received from the state representing reimbursement for Driver Education as authorized in Sections 27-24.3 and 27-24.4 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 27-24.3 and 27-24.4).
- 3223 "Summer School" Amounts received from the state representing reimbursement for summer school as authorized in Sections 2-3.61 and 18-8 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.61 and 18-8).
- 3224 "Bilingual Education" Amounts received from the state representing reimbursement for Bilingual Education as authorized in Sections 2-3.39, 10-22.38a and Article 14C of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.39, 10-22.38a and 14C-1 et seq.).
- 3225 "Vocational Education-State General Revenue Formula" Amounts received from the state representing reimbursement for Vocational Education.
- 3226 "Vocational Education-Grants and Contracts" Amounts received from the state representing reimbursement for grants and funding agreements.
- 3227 "Gifted Education" Amounts received from the state representing reimbursement for Gifted Education as authorized in Article 14A of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 14A-1 et seq.).
- 3228 "Adult Education-General" Amounts received from the state representing reimbursement for Adult Education as authorized in Section 203-1 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 203-1).
- 3229 "Adult Education-Sec. 10-22.20" Amounts received from the state representing reimbursement for Adult Education public

- 3230 "Special Education" Amounts received from the state representing reimbursement for Special Education as authorized in Article 14 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 14-1.01 et seq.).
- 3231 "Special Education Personnel" Amounts received from the state for a portion of the cost of approved personnel.
- 3232 "Special Education Private Facility" Amounts received from the state for costs related to children who must attend a nonpublic school or special education facility that can provide the special education services required.
- 3233 "Special Education Extraordinary" Amounts received from the state for costs related to children who require additional and extraordinary special education services that are provided by the LEA pursuant to the provisions of 23 Ill. Adm. Code 226 (Special Education).
- 3234 "Special Education Orphanage" Amounts received from the state for children under the provisions for (group and individual) orphanage services, for both regular session and summer session (Ill. Rev. Stat. 1987, ch. 122, par. 14-7.03).
- 3240 "Reading Improvement" Amounts received from the state as authorized in Section 2-3.51 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.51) to improve the reading and study skills of children in kindergarten through grade six (for reading specialists, teacher aides, and other personnel).
- 3245 "Prekindergarten Programs for At-Risk Students" Amounts received from the state as authorized in Section 2-3.71 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-

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3.71) to fund programs for children ages three to five who have been identified through a screening process as being at risk of academic failure when they enter school.

3250 "School Lunch Aid" Amounts received from the state for school lunch aid.

3251 "Lunch - Free" Amounts received from the state for a portion of the cost of school lunches as authorized in Section 712.2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 712.2).

3252 "Breakfast - Free" Amounts received from the state for a portion of the cost of school breakfast as authorized in Section 712.2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 712.2).

3260 "Capital Development Board" Amounts received from the Capital Development Board as authorized in the School Construction Bond Act (Ill. Rev. Stat. 1987, ch. 122, par. 1201 et seq.) and Section 783.1-2 of the Capital Development Board Act (Ill. Rev. Stat. 1987, ch. 127, par. 783.1-2).

3261 "Bond Principal" Amounts received from the Capital Development Board for a portion of the cost of bonds redeemed.

3262 "Bond Interest" Amounts received from the Capital Development Board for interest paid.

3290 "Other Grants-In-Aid" Amounts received from the state for a portion of the cost of other grants-in-aid.

3300 "Payments Received in Lieu of Taxes" Payments made out of general revenues by the state to the LEA in lieu of taxes.

3310 "Orphans Tuition" Amounts received from the state for a portion of the cost of orphans tuition as authorized in Section 18-3 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-3).

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3320 "State Owned Housing" Amounts received from the state for a portion of the cost of state owned housing as authorized in Section 18-3 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-3).

3330 "Tax Equivalent Grants" Amounts received from the state for a portion of the cost of tax equivalent grants as authorized in Section 18-4.4 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-4.4).

3340 "State Impaction Aid" Amounts received from the state for a portion of the cost of state impaction aid as authorized in Section 18-4.2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-4.2).

Revenue From Federal Sources

4000

4100 "Unrestricted Grants-In-Aid Received Directly From Federal Government" Amounts received directly from the federal government as grants by the LEA, which can be used without restriction for any legal purpose desired by the LEA.

4110 "Public Law 81-874" Amounts received from federal funds by LEA's having increased enrollments due to federal activities.

4300 "Restricted Grants-In-Aid Received Directly From Federal Government" Amounts received directly from the federal government as grants by the LEA, which must be used for a categorical or specific purpose.

4320 "Emergency School Assistance Act" Amounts received from federal funds to finance programs designed to assist school districts to desegregate.

4325 "Elementary and Secondary Education Act (ESEA) - Title VII - Bilingual" Amounts received from federal funds for approved bilingual education.

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- 4330 "Education for Economic Security Act" Amounts received from EESA, Public Law 98-377, Title VI - Excellence in Education funds (20 U.S.C. 4031 et seq.). Provides U.S. Department of Education grants on a competitive basis to individual public schools striving to improve the quality of education.
- 4340 "Community Action Program - O.E.O." Amounts received from federal funds for activities related to Community Action Programs.
- 4350 "Headstart" Amounts received from federal funds for Headstart programs.
- 4360 "Public Law 81-815 - Construction" Amounts received from federal funds for the construction of school buildings in LEAs having increased enrollments due to federal activities.
- 4390 "Other" Amounts received directly from the federal government not provided for elsewhere in the 4300 thru 4360 series of accounts.
- 4400 "Restricted Grants-In-Aid Received From Federal Government Through the State" Amounts received from the federal government through the state as grants by the LEA which must be used for a categorical or specific purpose.
- 4410 "Public Law 91-230, Title III, Adult Basic Education" Amounts received from federal funds for Adult Basic Education as authorized in Public Law 91-230.
- 4420 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Handicapped (20 U.S.C. 2331 et seq.)" Amounts received from federal funds to provide for services and activities that are essential for handicapped individuals to succeed in vocational education.

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- 4421 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Disadvantaged (20 U.S.C. 2331 et seq.)" Amounts received from federal funds to provide for services and activities that are essential for disadvantaged individuals to succeed in vocational education.
- 4422 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Single Parents (20 U.S.C. 2331 et seq.)" Amounts received from federal funds to provide, subsidize, reimburse or pay for vocational education and training activities that will give single parents or homemakers marketable skills.
- 4423 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Sex Bias (20 U.S.C. 2331 et seq.)" Amounts received from federal funds to provide for programs, services, and activities to eliminate sex bias and stereotyping in vocational education programs designed to enable participants to support themselves and their families.
- 4424 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Limited English Proficiency (20 U.S.C. 2331 et seq.)" Amounts received from federal funds to provide services and activities that are essential for limited English proficiency (LEP) students to succeed in vocational education.
- 4425 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIB-Staff Development (20 U.S.C. 2341 et seq.)" Amounts received from federal funds for statewide professional development of vocational education personnel.
- 4426 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIB-Curriculum Development (20 U.S.C. 2341 et seq.)" Amounts received from federal funds for new curriculum development and dissemination projects and activities related to vocational education programs.

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- 4427 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIB-Program Improvements (20 U.S.C. 2341 et seq.)" Amounts received from federal funds for program improvement activities that enable educational agencies to improve, expand, or modernize vocational education programs, including the purchase of required and approved instructional equipment, vocational student organizations, WECOP, and high impact training programs.
- 4428 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIA-Community Based Organizations (20 U.S.C. 2351 et seq.)" Amounts received from federal funds for services and activities of vocational education programs that provide special consideration to the needs of severely economically and educationally disadvantaged youth, ages sixteen through twenty-one.
- 4429 "Carl D. Perkins Vocational Act, Public Law 98-524, Title IIB-Consumer and Homemaking (20 U.S.C. 2361 et seq.)" Amounts received from federal funds that provide for homemaking education projects that may include instructional projects, services and activities that prepare youth and adults for the occupation of homemaking.
- 4430 "Transition Programs for Refugee Children" Amounts received from federal funds (Refugee Act of 1980) for approved supplementary programs for eligible refugee children.
- 4435 "Emergency Immigrant Education Assistance" Amounts received from federal funds as authorized in Section 101(g) of Further Continuing Appropriation, Public Law 98-151. Provides public education services to immigrant children not born in the United States and attending school less than three years.
- 4440 "Education Consolidation and Improvement Act (ECIA), Chapter 1" Amounts received from federal funds as authorized in Public Law 97-35.

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- 4441 "ECIA, Chapter 1 - Educationally Deprived" Amounts received from federal funds for programs designed to reduce or eliminate the educational deficiencies of eligible Chapter 1 students. Programs provide supplemental educational opportunities determined to be of high priority, usually in areas such as reading, mathematics, and cultural enrichment.
- 4442 "ECIA, Chapter 1 - Handicapped" Amounts received from federal funds for approved handicapped programs (Public Law 89-313).
- 4443 "ECIA, Chapter 1 - Migrant" Amounts received from federal funds for approved migrant programs to meet the needs of itinerant agricultural workers who have settled out of the migrant stream.
- 4444 "ECIA, Chapter 1 - Neglected and Delinquent" Amounts received from federal funds for approved neglected or delinquent children with the focus of educational activities being on reading, mathematics, and communication skills.
- 4450 "Education for the Handicapped Act (EHA)" Amounts received from federal funds for approved Education for the Handicapped.
- 4451 "EHA - Preschool Incentive Grant (99-457)" Amounts received from federal funds for approved EHA preschool programs.
- 4452 "EHA - Room and Board Reimbursement (94-142, B)" Amounts received from federal funds for approved EHA room and board reimbursements.
- 4453 "EHA - Regional Programs (94-142, B)" Amounts received from federal funds for approved EHA regional programs.
- 4454 "EHA - Flow Through (94-142, B)" Amounts received from federal funds for approved EHA flow-through funding.

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- 4455 "EHA - Deaf/Blind (91-230, VI-C)" Amounts received from federal funds for approved programs for the deaf and blind.
- 4456 "EHA - Infant and Toddlers (99-457)" Amounts received from federal funds for approved EHA infant and toddler programs.
- 4460 "School Lunch Program" Amounts received from federal funds.
- 4461 "School Lunch - Regular Lunches" Amounts received from federal funds for reimbursement for meals served through the school lunch program at the regular price.
- 4462 "School Lunch - Free and Reduced" Amounts received from federal funds for reimbursement of free and reduced price meals served through the school lunch program.
- 4463 "Special Milk" Amounts received from federal funds for reimbursement based on the special milk program.
- 4464 "Breakfast" Amounts received from federal funds for reimbursement for breakfasts served through the school lunch program.
- 4465 "Non-Food Assistance" Amounts received from federal funds for reimbursement covering the purchase of equipment used in the school lunch program.
- 4466 "Payments in Lieu of Commodities" Amounts received from federal funds for payments in lieu of commodities.
- 4467 "Nutrition Education and Training Act" Amounts received from federal funds (Public Law 95-166) to promote and strengthen the nutrition education curriculum.
- 4470 "Education Consolidation and Improvement Act (ECIA), Chapter 2" Amounts received from federal funds as authorized in Public Law 97-35 for approved Chapter 2, Block Grant programs.

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- 4475 "Education for Economic Security Act" Amounts received from EESA, Public Law 98-377, Title II - Teacher Skill Improvement (20 U.S.C. 3961 et seq.). Provides for teacher skill improvement in math, science, computer learning, and foreign languages.
- 4480 "Department of Rehabilitation Services" Amounts received from federal funds for vocational training of special education pupils.
- 4490 "Other" Amounts received from the federal government through the state and not provided for elsewhere in the 4400 through 4480 series of accounts.
- 4500 "Restricted Grants-In-Aid Received From Federal Government Through an Intermediate Source" Amounts received from the federal government through an intermediate source as grants by the LEA which must be used for a specific purpose.
- 4530 "JTPA (Job Training Partnership Act)" Amounts received from Title II federal funds (Public Law 97-300) through an intermediate source for contractual agreements that provide vocational training services, and coordination of activities to the economically disadvantaged.
- 4590 "Other Federal Grants" Amounts received from federal funds through intermediate sources not provided for elsewhere in the 4500 through 4530 series of accounts.
- 7000 Other Financing Sources
- 7100 "Transfer From Other Funds" Amounts received unconditionally from another fund without expectation of repayment.
- 7110 "Permanent Transfer From Working Cash Fund" The transfer of the balance to the Educational Fund when the Working Cash Fund is abolished as authorized in Section 20-8 of

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The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 20-8).

7120 "Permanent Transfer of Interest from Working Cash Fund" The permanent transfer of interest to the Educational Fund; the Operations-Building and Maintenance Fund or the Transportation Fund from the Working Cash Fund as authorized in Section 20-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 20-5).

7130 "Permanent Transfer from Educational Fund" The permanent transfer to the Operations, Building, and Maintenance Fund of monies in restricted amounts by districts meeting certain conditions as authorized in Section 17-2A of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2A).

7140 "Permanent Transfer of Interest" The permanent transfer of interest, as authorized in Section 10-22.44 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.44).

7150 "Permanent Transfer from Site and Construction Fund to Operations-Building and Maintenance Fund" The transfer of bond proceeds remaining in the Site and Construction Fund to the Operations, Building, and Maintenance Fund after the purposes for which the bonds have been issued have been accomplished and paid in full (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.14).

7200 "Sale of Bonds" All amounts received from the sale of bonds.

7210 "Principal on Bonds Sold" Amounts received as principal from the sale of bonds.

7220 "Premium on Bonds Sold" Amounts received as premiums from the sale of bonds.

7230 "Accrued Interest on Bonds Sold" Amounts received as accrued interest from the sale of bonds. When bonds are sold at a date later than the nominal issue date of the bonds, the

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selling price often includes, in addition to the principal of the bonds, an amount representing the interest that has accrued on the bonds since the nominal issue date. This excess over the principal may be credited to this account in the Bond and Interest Fund or the Site and Construction Fund.

7300 "Other Sources" Other miscellaneous financing sources which cannot be classified in preceding 7000 account numbers.

(Source: Amended at Ill. Reg. _____, effective _____)

TABLE D DEFINITIONS OF EXPENDITURE DIMENSIONS

"Fiscal Year"

Fiscal year denotes a twelve-month period of time to which the annual budget applies and at the end of which an LEA determines its financial position and the results of its operations. The terminal digit of the applicable year designates the code.

"Code" "Descriptor"

8	FY 1987-1988
9	FY 1988-1989
0	FY 1989-1990
1	FY 1990-1991
2	FY 1991-1992
3	FY 1992-1993
4	FY 1993-1994
5	FY 1994-1995
6	FY 1995-1996
7	FY 1996-1997

"Funds"

Funds are independent fiscal and accounting entities requiring their own set of accounts and records. Each fund relates to a specific activity or objective.

Complete explanations for each of the following funds have already been listed in Table A of this Part:

10	- Educational Fund
20	- Operations-Building and Maintenance Fund
30	- Bond and Interest Fund

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- 40 - Transportation Fund
- 50 - Municipal Retirement/Social Security Fund
- 60 - Site and Construction Fund
- 70 - Working Cash Fund
- 80 - Rent Fund
- 90 - Capital Improvements Fund
- 98 - General Fixed Assets Account Group
- 99 - General Long-Term Debt Account Group

"Source of Funds"

This dimension describes expenditures in terms of various sources of revenue. It provides the capability of exercising budgetary control and the preparation of reports of categorical programs. The Source of Funds code allows for the gathering of total expenditures for a particular revenue. The following Source of Funds codes have been designated to represent various revenues; however, additional category codes can be added by LEAs, if needed:

- 00 Non-Categorical/Unrestricted
- 01 Tort Immunity
- 03 Fire Prevention, Safety, Environmental, and Energy Conservation
- 04 Community College Tuition
- 05 Area Vocational Education Construction
- 06 Summer School
- 08 Special Education Levy
- 10 Driver Education
- 11 Prekindergarten Programs for At-Risk Students
- 12 Special Education
- 13 Special Education - Transportation
- 14 Bilingual
- 15 Reading Improvement Program
- 16 Educational Service Center Operations
- 17 Administrators' Academy
- 18 Staff Development
- 19 Learner Outcomes/Objectives
- 20 Vocational Education - Basic Formula Distribution (State)
- 21 Vocational Education - Grants and Funding Agreements (State)
- 22 Vocational Education - Transportation
- 24 Department of Rehabilitation Services
- 25 Gifted Education
- 26 Special Education - Extraordinary
- 27 Adult Education - General
- 28 Special Education - Private Facility

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- 29 Adult Basic Education - Sec. 10-22.20 of The School Code
- 30 ECIA Chapter 1 - Educationally Deprived
- 31 ECIA Chapter 1 - Handicapped (P.L. 89-313)
- 32 ECIA Chapter 1 - Migrant
- 33 ECIA Chapter 1 - Neglected and Delinquent
- 35 Special Education - Personnel
- 38 Municipal Retirement Levy
- 39 Social Security/Medicare Only Levy
- 45 EHA (P.L. 91-230) - VI-C - Deaf/Blind
- 46 EHA (P.L. 94-142) - Part B - Preschool Incentive Grant
- 47 EHA (P.L. 94-142) - Part B - Room and Board Reimbursement
- 48 EHA (P.L. 94-142) - Part B - Regional Programs
- 49 EHA (P.L. 94-142) - Part B - Flow-Through
- 50 ESEA, Title VII - Bilingual
- 60 ECIA - Chapter 2, Block Grant
- 65 Capital Development Board
- 66 Perkins Vocational Act, P.L. 98-524, Title IIA - Handicapped
- 67 Perkins Vocational Act, P.L. 98-524, Title IIA - Disadvantaged
- 68 Perkins Vocational Act, P.L. 98-524, Title IIA - Single Parents
- 69 Perkins Vocational Act, P.L. 98-524, Title IIA - Sex Bias
- 70 Perkins Vocational Act, P.L. 98-524, Title IIA - Limited English Proficiency
- 71 Perkins Vocational Act, P.L. 98-524, Title IIB - Staff Development
- 72 Perkins Vocational Act, P.L. 98-524, Title IIB - Curriculum Development
- 73 Perkins Vocational Act, P.L. 98-524, Title IIB - Program Improvement
- 74 Perkins Vocational Act, P.L. 98-524, Title IIIA - Community Based Organizations
- 75 Perkins Vocational Act, P.L. 98-524, Title IIIB - Consumer and Homemaking
- 76 Perkins Vocational Act, P.L. 98-524, Title IIB - Program Improvement (Guidance)
- 77 Emergency School Assistance Program (Federal)
- 78 Perkins Vocational Act, P.L. 98-524, Title IIB - Program Improvement (Instructional Equipment)
- 79 Community Action Program - O.E.O. (20 U.S.C. 3961 et seq.)
- 80 Head Start
- 81 P.L. 81-815 - Construction
- 84 School Lunch Program

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- 85 School Lunch Program - Nonfood Assistance (Equipment)
 86 School Lunch Program - Nutrition Education/Training Act
 87 Education for Economic Security Act (EESA), P.L. 98-377, Title II - Teacher Skill Improvement (20 U.S.C. 3961 et seq.)
 88 Education for Economic Security Act (EESA), P.L. 98-377, Title VI - Excellence in Education (20 U.S.C. 4031 et seq.)
 89 Emergency Immigrant Education Assistance, P.L. 98-151
 93 Transition Programs for Refugee Children
 94 JTPA (Job Training and Partnership Act)

"Instructional Organization"

The general types of schools or other organizational entities providing instruction are included in this dimension. An instructional organization is coded by a single digit.

It is recognized that the instructional organization suggested here may not coincide with that being used in all LEAs, but it does provide basic subdivisions for any organizational structure.

Wherever it does not comply exactly, being in more detail or less, school officials can combine subdivisions or omit some as applicable. Comparability is improved by using the same structure for reporting purposes throughout the nation. In the following definitions, "grade span" can be changed to "age span" when structuring a nongraded school or local educational agency.

"Code"	"Descriptor"
0	"Districtwide"
1	"Elementary School". A school composed of any span of grades not above grade eight, including kindergarten.
2	"Middle or Junior High School". A separately organized and administered school, usually beginning with grades 6 or 7 or their equivalent and including at least two grades or years. Most middle/junior high schools consist of two or three grades spanning the years between an elementary and high school, as in a 4-4-4 plan, a 6-2-4 plan, or 6-3-3 plan.
3	"High School/Secondary". A school comprising any span of grades beginning with the next grade following an elementary or middle/junior high school and ending with

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or below grade 12. This includes three-year and four-year vocational and technical high schools separately organized under the direction and management of an administrator for the primary purpose of offering education and training in one or more semi-skilled, skilled, or technical occupations.

- 4 "Adult/Continuing Education School". A school for adults and out-of-school youth. This includes adult basic schools, advanced adult schools, and occupational schools.

- 5 "Pre-school". A program organized to provide educational experiences for children during the year or years preceding kindergarten and which is part of an elementary school program under the direction of a qualified teacher.

- 9 "Other". A school which does not fit into one of the above descriptions.

"Operational Unit"

The term Operational Unit is used to denote the location of education activities for organizational purposes. It is the site of a physical plant which houses an organizational unit. These units correspond to individual schools, in most cases, and can be used to designate school cost centers. Budgets and expenditures may be made for each school or operational unit. Such units are locations of specific schools, of transportation, of administration, of warehouses, etc. Following are examples of Operational Units and codes:

"Code"	"Descriptor"
01	Adams Elementary School
02	King Middle School
03	Santa Maria High School
04	Lincoln Vocational-Technical School
05	Davis Junior College
06	Central Administrative Office
07	Main Warehouse
08	Main Bus Garage

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"Functions"

Function means the action or purpose for which a person or thing is used or exists. Function includes the activities or actions which are performed to accomplish the objectives of the enterprise. The activities of a local school system are classified into six broad areas or functions; Instruction, Supporting Services, Community Services, Non-Programmed Charges, Debt Service, and Provisions for Contingencies. Within these functions, the phrase "Service Area Direction" means the activities associated with directing and managing a specified service area.

"Code"**"Descriptor"**

1000

"Instruction" Instruction includes the teaching of pupils, or the interaction between teacher and pupils. Teaching may be provided for pupils in a school classroom, in another location such as in a home or hospital, and other learning situations such as those involving cocurricular activities. It may also be provided through some other approved medium such as television, radio, telephone, and correspondence. Included here are the activities of aides or assistants of any type that assist in the instructional process.

1100

"Regular Programs" Instructional activities designed primarily for pupils (in elementary, middle/junior high, or high schools) who do not require special programs such as those designed for gifted, vocational, limited English proficient, and handicapped students

1110

"Elementary"

1120

"Middle/Junior High"

1130

"High School"

1200

"Special Education Programs" Special instruction and resource programs required by a student due to his/her disability; includes special services, special materials, and special equipment required by the students as authorized in Article 14 of The School Code

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(Ill. Rev. Stat. 1987, ch. 122, par. 14-1.01 et seq.)

1201

"Severe/Profound Mentally Handicapped (S/PMH)"

1202

"Trainable Mentally Handicapped (TMH)"

1203

"Educable Mentally Handicapped (EMH)"

1204

"Physically Handicapped (PH)"

1205

"Learning Disabled (LD)"

1206

"Visually Impaired (VI)"

1207

"Hard of Hearing (HH)"

1208

"Deaf (D)"

1209

"Deaf and Blind (DB)"

1210

"Speech and Language Impaired (SLI)"

1211

"Educationally Handicapped (EH)"

1212

"Behavior Disordered (BD)"

1213

"Other Health Impairment (OHI)"

1214

"Early Childhood (EC)"

1215

"Infant/Toddler (I/T)"

1220

"Cross-Categorical (CC)"

1250

"Educationally Deprived/Remedial Programs" Supplementary programs to increase the educational opportunities of eligible children, such as Chapter I, ERIA, children. Programs are usually in areas of basic instruction such as reading and/or mathematics.

1300

"Adult/Continuing Education Programs" Learning experiences designed to develop knowledge and skills to meet immediate and long-range educational objectives for adults

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who have completed or interrupted their formal schooling. Programs include activities to foster the development of fundamental tools of learning, to prepare for a postsecondary career, to prepare for postsecondary education programs, to upgrade occupational competencies, to prepare for a new or different career, to develop skills and appreciation for special interests, or to enrich the aesthetic qualities of a student's life.

1310 "Adult Education"

1320 "Advanced Adult Education"

1330 "Occupational"

1340 "Upgrading in Current Occupation"

1350 "Retraining for New Occupation"

1360 "Special Interest"

1370 "Life Enrichment"

1390 "Other Adult/Continuing Education"

1400

"Vocational Programs" Instruction provided to develop the knowledge, skills and attitudes needed for employment in an occupational area. This includes all programs approved in the local district's plan for vocational education.

1401 "Agricultural Occupations" Instruction for the purpose of enabling students to have the background, knowledge and skills necessary for entry into a wide range of occupations in agricultural production, agricultural supplies and services, agricultural mechanics, agricultural products, and ornamental horticulture.

1403 "Renewable Natural Resources" Instruction for the purpose of preparing students for entry level employment in the areas of

conservation, fishing and fisheries, forestry, and wildlife management.

1404 "Environmental Design" Instructional programs that describe methods to create, adapt, alter, preserve, and control mankind's physical and social surroundings.

1406 "Business and Management" Instruction for the purpose of preparing students to perform activities, including: buying, selling, appraising, renting, managing and leasing of real property for managerial functions, and ownership principles involved in operating a small business.

1407 "Business and Office" Instruction to prepare individuals for planning, organizing, directing and controlling business office systems and procedures. Includes instruction in preparing, transcribing, systematizing, and preserving written communications and records; preparing and analyzing financial records; collecting accounts and receiving and disbursing money; gathering, processing and distributing information and mail; operating office machines and electronic data processing equipment accounting for inventories; and operating telephones and switchboards.

1408 "Marketing and Distribution" Instruction to prepare students for occupations in marketing, sales, distribution, merchandising and management of the provision of industrial and consumer goods or services. These instructional programs prepare individuals to perform marketing functions, such as selling, buying, pricing, promoting, financing, transporting, storing, market research, and marketing management.

1409 "Communications" Instruction to prepare individuals for the creation, execution, transmission and evaluation of commercial messages designed to promote the sale of products and services.

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1410 "Communication Technologies" Instructional programs that prepare individuals to assist communication professionals and skilled communication workers. Programs stress specialized, practical knowledge related to the mechanical, scientific, or technical aspects of communications.

1412 "Consumer, Personal, and Miscellaneous Services" Instructional programs that prepare individuals to provide a variety of services to individual consumers as well as to organizations such as businesses and industries.

1415 "Engineering and Engineering-Related Technologies" Instructional programs that prepare individuals to support and assist engineers and other professionals in the field of engineering. Programs stress specialized, practical knowledge related to the mathematical, scientific, or technical aspects of engineering and its related sciences.

1417 "Health Occupations" (e.g., L.P.N., dental technician) Instruction to provide students with the health occupations knowledge, skills and attitudes necessary for meaningful employment and/or to pursue further health occupations education.

1420 "Occupation of Homemaking" Instruction to help students acquire the knowledge, skills, attitudes and behaviors necessary for making satisfying personal, family and workplace decisions concerning food, clothing, shelter, parenting, child rearing, interpersonal relationships and resource management.

1421 "Home Economics Occupations" Instruction to help students acquire the competence needed to secure employment and/or prepare for advancement in occupations utilizing home economics knowledge and skills, such as food production, child care and guidance, and fashion/fabric coordination.

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1443 "Protective Services" Instructional programs that describe the principles and procedures for providing police, fire, and other safety services, and for managing penal institutions.

1446 "Construction Trades" Instructional programs that prepare individuals to erect, install, maintain and repair buildings, highways, airports and other structures using a variety of materials. Includes instruction in cost estimating, in the use of tools, and in following technical specifications and blueprints.

1447 "Mechanics and Repairers" Instructional programs that prepare individuals in the adjustment, maintenance, part replacement, and repair of tools, equipment, and machines.

1448 "Precision Production" Instructional programs that prepare individuals to produce precision goods and materials by hand or machine; includes instruction in interpreting detailed plans and specifications.

1449 "Transportation, Aviation and Material Moving" Instructional programs that prepare individuals to operate and control equipment used to transport people or materials.

1459 "Special Programs" Vocational Education programs entitled: Cooperative Training, Interrelated Cooperative Education, and Experienced-Based Education.

1500 "Interscholastic Programs" Curricular activities which supplement the regular instructional program, such as athletics, band, chorus, and speech.

1600 "Summer School Programs" Instructional activities that are not embraced within the regular school term.

1650 "Gifted Programs" Special learning experiences for pupils identified as being

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gifted or talented as defined in 23 Ill. Adm. Code 227.10 (Gifted Education).

1700 "Vocational Education Special Needs Programs/Services" Instructional programs for handicapped, limited English proficient, or academically and/or economically disadvantaged students enrolled in vocational education.

1710 "Vocational Education - Handicapped"

1720 "Vocational Education - Limited English Proficiency"

1730 "Vocational Education - Academically and/or Economically Disadvantaged"

1800 "Bilingual Programs" Special learning experiences for pupils receiving services pursuant to the provisions of 23 Ill. Adm. Code 228 (Transitional Bilingual Education).

1900 "Truants' Alternative and Optional Programs" Modified instructional programs provided to students pursuant to the provisions of 23 Ill. Adm. Code 205 (Truants' Alternative and Optional Education Programs).

2000 "Support Services" Services which provide administrative, technical (such as guidance and health), and logistical support to facilitate and enhance instruction. Support Services are adjuncts to the fulfillment of the objectives of instruction.

2100 "Support Services - Pupils" Those activities which are designed to assess and improve the well-being of pupils and to supplement the teaching process.

2110 "Attendance and Social Work Services" Activities for the improvement of pupils' attendance at school and the performance of school social work activities dealing with the problems of pupils which involve the home, school, and community.

2121 "Service Area Direction"

2122 "Attendance Services" Activities such as prompt identification of patterns of nonattendance, early action on these problems, and enforcement of compulsory attendance laws.

2123 "Social Work Services" Activities such as investigating, diagnosing, and attempting to resolve pupil problems arising out of the home, school, or community.

2124 "Pupil Accounting Services" Those activities of acquiring and maintaining records of school attendance, location of home, and other pupil data.

2129 "Other Attendance and Social Work Services" Attendance and Social Work Services other than those described above.

2120

"Guidance Services" The activities of counseling with pupils and parents, providing consultation with other staff members on learning problems, evaluating the abilities of pupils, assisting pupils to make their own educational and career plans and choices, assisting pupils in personal and social development, providing referral assistance, and working with other staff members in planning and conducting guidance programs for pupils.

2121 "Service Area Direction"

2122 "Counseling Services" Activities in which counselors help pupils to understand their educational, personal, and occupational strengths and limitations; to relate their abilities, emotions and aptitudes to educational and career opportunities; to utilize their abilities in formulating realistic plans; and to achieve satisfying personal and social development.

2123 "Appraisal Services" Activities to assess pupil characteristics, which are used in

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administration, instruction, and guidance, and which assist the pupil in assessing his/her purposes and progress in career and personality development.

2124 "Information Services" Activities organized for the dissemination of educational, occupational, and personal-social information to help acquaint pupils with the curriculum and with educational and vocational opportunities and requirements. Such information might be provided directly to pupils through activities such as group or individual guidance, or it might be provided indirectly to pupils, through staff members or parents.

2125 "Record Maintenance Services" Activities organized for the compilation, maintenance, and interpretation of cumulative records of individual pupils, including the following:

Home and Family Background
Physical and Medical Status
Standardized Test Results
Personal and Social Development
School Performance

2126 "Placement Services" Activities organized to help place pupils in appropriate educational situations while they are in school, in appropriate part-time employment while they are in school, and in appropriate educational and occupational situations after they leave school, and to facilitate pupils' transition from one educational experience to another. This may include, for example, admissions counseling, referral services, assistance with records, and follow-up communications with employers.

2129 "Other Guidance Services" Guidance services which cannot be classified above.

2130 "Health Services" Physical and mental health services which are not direct instruction. Included are activities that provide pupils

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with appropriate medical, dental, and nurse services.

2131 "Service Area Direction"

2132 "Medical Services" Activities concerned with the physical and mental health of pupils, such as health appraisal, including screening for vision, communicable diseases, and hearing deficiencies; screening for psychiatric services; periodic health examinations; emergency injury and illness care; and communications with parents and medical officials.

2133 "Dental Services" Activities associated with dental screening, dental care, and orthodontic activities.

2134 "Nurse Services" Activities associated with nursing which are not instruction, such as health inspection, treatment of minor injuries, and referrals for other health services.

2139 "Other Health Services" Health Services not classified above.

2140

"Psychological Services" Activities concerned with administering psychological tests and interpreting the results, gathering and interpreting information about pupil behavior, working with other staff members in planning school programs to meet the special needs of pupils as indicated by psychological tests, and behavioral evaluation and planning and managing a program of psychological services, including psychological counseling for pupils, staff, and parents.

2141 "Service Area Direction"

2142 "Psychological Testing Services" Activities concerned with administering psychological tests, standardized tests and inventory assessments of ability, aptitude, achievement, interests and personality and

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their interpretation for pupils, school personnel, and parents.

2143 "Psychological Counseling Services" Activities between a school psychologist or other qualified counselor and one or more pupils in which the pupils are helped to perceive, clarify, and resolve problems of adjustment and interpersonal relationships.

2144 "Psychotherapy Services" Activities between a qualified mental health professional and one or more pupils, in which the pupils are helped to perceive, clarify, and resolve emotional problems or disorders.

2149 "Other Psychological Services" Other activities associated with Psychological Services not classified above.

2150 "Speech Pathology and Audiology Services" Activities which have as their purpose the identification, assessment, and treatment of children with impairments in speech, hearing, and language.

2151 "Service Area Direction"

2152 "Speech Pathology Services"

2153 "Audiology Services"

2159 "Other Speech Pathology and Audiology Services" Other activities associated with Speech Pathology and Audiology Services not classified above.

2190 "Other Support Services - Pupils" Other support services (pupils) not classified in 2100 thru 2159 series. Expenditures that may be included are: therapists, crossing guards, graduation, student assembly programs, monitors for playgrounds, study halls, etc.

2200 "Support Services - Instructional Staff" Activities associated with assisting the instructional staff with the content and

process of providing learning experiences for pupils.

221 "Improvement of Instruction Services" Activities which are designed primarily for assisting instructional staff in planning, developing, and evaluating the instructional process.

2211 "Service Area Direction"

2212 "Instruction and Curriculum Development Services" Activities designed to aid teachers in developing the curriculum, preparing and utilizing special curriculum materials, and understanding and appreciating the various techniques which stimulate and motivate pupils.

2213 "Instructional Staff Training Services" Activities designed to contribute to the professional competence of the instructional staff, including workshops, demonstrations, school visits, courses for college credit, sabbatical leaves, and travel leaves.

2220

"Educational Media Services" Activities related to media resource centers and concerned with the use of all teaching and learning resources, including hardware, and content materials. Educational media are defined as any devices, content materials, methods, or experiences used for teaching and learning purposes. These include printed and nonprinted sensory materials.

2221 "Service Area Direction"

2222 "School Library Services"

2223 "Audio Visual Services"

2224 "Educational Television Services"

2225 "Computer-Assisted Instruction Services"

2230

"Assessment and Testing" Activities carried out for the purpose of measuring individual

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student achievement. The information obtained is generally used to monitor individual and group progress in reaching district learning goals to compare individual and group performance with national norms established by test publishers.

"Support Services - General Administration" Activities concerned with establishing and administering policy in connection with operating the local education agency.

2310 "Board of Education Services" Activities of the elected or appointed body which has been created according to state law and vested with responsibilities for educational activities in a given administrative unit.

2311 "Service Area Direction" Activities concerned with directing and managing the general operation of the Board of Education. Included are the activities of executives of the Board of Education, such as the Executive Secretary, but not included are any special activities defined in the other areas of responsibility described below. It also includes activities performed in support of school district meetings, legal activities, general liability situations, and audit services.

2312 "Board Secretary Services" Activities required to perform the duties of the Secretary or Clerk of the Board of Education.

2313 "Board Treasurer Services" Activities required to perform the duties of Treasurer of the Board of Education.

2314 "Election Services" Services rendered in connection with any school system election, including elections of officers and bond elections.

2316 "Staff Relations and Negotiation Services" Activities concerned with staff relations systemwide and the responsibilities for

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contractual negotiations with both instructional and noninstructional personnel.

2320 "Executive Administration Services" Activities associated with the overall management of the LEA.

2321 "Office of the Superintendent Services" Activities performed by the superintendent and such assistants as deputy, associate, and assistant superintendents, in their management of the LEA. This includes all personnel and materials in the office of the chief executive officer. Activities of the offices of the deputy superintendent and associate or assistant superintendents should be charged here unless job duties indicate another function is more appropriate. When two or more Service Areas are directed by the same individual, the services of that individual's office are prorated between the Service Areas concerned.

2324 "State and Federal Relations Services" Activities of developing and maintaining good relationships with state and federal officials. The activities associated with grant procurement are included.

2330 "Special Area Administrative Services" Activities concerned with supervisory responsibilities for federal programs, special programs, and/or title programs not included in the preceding functions. When the same individual directs both special programs and other service areas, the services of that individual should be prorated between the proper areas.

2400 "Support Services-School Administration" Activities concerned with overall administrative responsibility for a single school or a group of schools.

2410 "Office of the Principal Services" Activities concerned with managing a particular school, including the activities of the Principal, Assistant Principals, and

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other assistants in general supervision of all operations of the school, and including clerical staff for these activities.

2490

"Other Support Services-School Administration" Includes activities performed by persons usually classified as department heads or deans within schools and other school administration services which cannot be recorded under the preceding functions.

2500

"Support Services - Business" Activities concerned with accounting, purchasing, paying, transporting, exchanging, and maintaining goods and services for the LEA, including internal business services for operating all schools.

2510

"Direction of Business Support Services" Activities concerned with directing and managing the Business Services Area, such as those usually performed by the Office of the Chief School Business Official or Business Manager.

2520

"Fiscal Services" Activities concerned with the fiscal operations of the LEA. This function includes budgeting, receiving and disbursing, bookkeeping, financial accounting, payroll, inventory control, and internal auditing.

2522

"Budgeting Services" Activities concerned with supervising budget planning, formulation, control and analysis.

2523

"Receiving and Disbursing Funds Services" Activities concerned with taking in money and paying it out. It includes the handling of receipts, the approval of requisitions or purchase orders to determine whether the amounts are within the budgetary allowances, and to determine that such disbursements are lawful expenditures of LEA funds.

2524

"Payroll Services" Activities concerned with making payments to individuals entitled to

remuneration for services rendered. Payments are also made for payroll-associated costs related to the payment of income tax, retirement, and social security.

2525 "Financial Accounting Services" Activities concerned with maintaining records of the financial operations and transactions of the school system. They include such activities as accounting, and interpreting financial transactions and account records.

2526 "Internal Auditing Services" Activities concerned with verifying the account records, including evaluating the adequacy of the internal control system, verifying and safeguarding assets, reviewing the reliability of accounting and reporting procedures, and ascertaining their compliance with policies.

2527

"Property Accounting Services" Activities concerned with preparing and maintaining a current inventory of land, buildings, and equipment. These records are to be used in equipment control and facilities planning.

2530

"Facilities Acquisition and Construction Services" Activities concerned with: acquisition of land and buildings; remodeling buildings; construction of buildings and additions to buildings; initial installation or extension of service systems and other built-in equipment; and improvements to sites.

2531 "Service Area Direction"

2532 "Land Acquisition and Development Services" Activities concerned with the acquisition of sites and improvements thereon.

2533 "Architectural and Engineering Services" The activities of architects and engineers related to land acquisition and improvement and to improvements to buildings.

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- 2534 "Educational Specifications Development Services" Activities concerned with preparing and interpreting, for architects and engineers, descriptions of specific space requirements for the various learning experiences of pupils to be accommodated in a building.
- 2535 "Building Acquisition, Construction, and Improvements Services" Activities concerned with building acquisition through purchase or construction and building improvements, including initial installation or extension of service systems and other built-in equipment as well as building additions.
- 2540 "Operation and Maintenance of Plant Services" Activities concerned with keeping the physical plant (i.e., grounds, buildings, and equipment) in an effective and safe working condition. This includes activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools.
- 2541 "Service Area Direction"
- 2542 "Care and Upkeep of Buildings Services" Activities concerned with keeping the physical plant clean and ready for daily use, including operating the fixed heating, lighting, and ventilating systems, and repairing and replacing facilities and equipment.
- 2543 "Care and Upkeep of Grounds Services" Activities of properly maintaining land and its improvements other than buildings.
- 2544 "Care and Upkeep of Equipment Services" Activities of properly maintaining movable equipment owned or used by the LEA, including servicing and repairing furniture, machines, and other movable equipment.
- 2545 "Vehicle Servicing and Maintenance Services (Other Than Student Transportation Vehicles)" Activities of maintaining in good condition

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- general purpose vehicles such as trucks, tractors, graders, and staff vehicles.
- It includes such activities as repairing vehicles, replacing vehicle parts, cleaning, painting, greasing, fueling, and inspecting vehicles for safety, i.e., preventive maintenance.
- 2546 "Security Services" Activities concerned with maintaining order and safety at all times in school buildings, and on school grounds and their vicinity. Included are police activities for school functions, traffic control on school grounds and their vicinity, building alarm systems and hall monitoring security services.
- 2549 "Other Operation and Maintenance of Plant Services" Activities which cannot be classified under the preceding areas of responsibility. Building insurance should be charged to this function.
- 2550 "Pupil Transportation Services" Activities concerned with conveying pupils to and from school as provided by Article 29 of The School Code. It includes trips between home and school and trips to school activities.
- 2551 "Service Area Direction"
- 2552 "Vehicle Operation Services" Activities of operating vehicles for pupil transportation from the time the vehicles leave the point of storage until they return to the point of storage. It includes fueling and driving buses or other pupil transportation vehicles.
- 2553 "Monitoring Services" Activities concerned with supervising pupils being transported between home and school and between school and school activities. Activities include pupil supervision while in transit, while being loaded and unloaded, and directing traffic at the loading and unloading stations.

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- 2554 "Vehicle Servicing and Maintenance Services" Activities to properly maintain pupil transportation vehicles, including repairing and replacing vehicle parts, cleaning, painting, greasing, and inspecting vehicles for safety. Replacing a vehicle's chassis or body is considered to be equipment and is charged to Capital Outlay.
- 2559 "Other Pupil Transportation Services" Pupil Transportation Services which cannot be classified under the preceding areas of responsibility.
- 2560 "Food Services" Those activities concerned with providing food to pupils and staff in a school or LEA. This service area includes the preparation and serving of regular and incidental meals, lunches, or snacks in connection with school activities, and the delivery of food.
- 2561 "Service Area Direction"
- 2562 "Food Preparation and Dispensing Services"
- 2563 "Food Delivery Services"
- 2569 "Other Food Services" Includes Food Services activities which cannot be classified under the preceding areas of responsibility
- 2570 "Internal Services" Those activities concerned with buying, storing, and distributing supplies, furniture, and equipment; those activities concerned with internal duplicating and printing for the school system and the pickup and transporting of cash from school facilities to the central administrative office, or bank, for control and/or deposit.
- 2571 "Service Area Direction"
- 2572 "Purchasing Services"
- 2573 "Warehousing and Distributing Services"

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- 2574 "Printing, Publishing, and Duplicating Services"
- 2600 "Support Services - Central" Activities, other than general administration, which support each of the other instructional and supporting services programs. These activities include planning, research, development, evaluation, information, staff, statistical, and data processing services.
- 2610 "Direction of Central Support Services" Activities concerned with directing and managing the central support services as a group.
- 2620 "Planning, Research, Development, and Evaluation Services" Those activities, on a systemwide basis, associated with conducting and managing programs of planning, research, development, and evaluation for a school system.
- 2621 "Service Area Direction"
- 2622 "Development Services"
- 2623 "Evaluation Services"
- 2624 "Planning Services"
- 2625 "Research Services"
- 2630 "Information Services" Those activities concerned with writing, editing, and other preparation necessary to disseminate educational and administrative information to pupils, staff, managers, or to the general public through direct mailing, the various news media, or personal contact.
- 2631 "Service Area Direction"
- 2632 "Internal Information Services"
- 2633 "Public Information Services"
- 2634 "Management Information Services"

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- 2640 "Staff Services" Activities generally performed by the LEA personnel office, such as recruiting and placement, staff transfers, inservice training, health services, and staff accounting.
- 2641 "Service Area Direction"
- 2642 "Recruitment and Placement Services" Those activities concerned with employing and assigning personnel for the LEA.
- 2643 "Staff Accounting Services" Services rendered in connection with the systematic recording and summarizing of information relating to staff members employed by the LEA.
- 2644 "Inservice Training Services (for Noninstructional Staff)" The activities developed by the LEA for training of noninstructional personnel in all classifications.
- 2645 "Health Services" Those activities concerned with medical, dental and nurse services provided for school district employees. Included are physical examinations, referrals and emergency care.
- 2660 "Data Processing Services" Activities concerned with preparing data for storage, sorting data, and retrieving them for reproduction as information for management and reporting.
- 2661 "Service Area Direction"
- 2662 "Systems Analysis Services" Activities concerned with the search for an evaluation of alternatives which are relevant to defined objectives. Based on judgment, and, wherever possible, on quantitative methods. Where applicable, they pertain to the development of data processing procedures or application to electronic data processing equipment.

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- 2663 "Programming Services" Activities concerned with the preparation of a logical sequence of operations to be performed, either manually or electronically, in solving problems or processing data and the preparation of coded instructions and data for such sequences.
- 2664 "Operations Services" Activities concerned with scheduling, maintaining, and producing data. These activities include operating data preparation devices and data processing machines.
- 2665 "Statistical Services" Activities concerned with producing statistical data for reports, for program studies, and for management use.
- 2669 "Other Data Processing Services" Activities concerned with data processing which are not described above.
- 2900 "Other Support Services" Activities of any support service or classification of services, general in nature, which cannot be classified in the preceding functions.
- 3000 "Community Services" Services provided by the LEA for the community as a whole or some segment of the community, such as community recreation programs, civic organization activities, public libraries, programs of custody and child care, welfare services, nonpublic school pupil services, and home/school services.
- 3100 "Direction of Community Services" Activities concerned with directing and managing community services activities.
- 3200 "Community Recreation Services" Activities include organizing and supervising playgrounds, swimming pools, and other recreation programs for the community.
- 3300 "Civic Services" Services provided in support of civic affairs or organizations including services to parent-teacher

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association meetings, public forums, lectures, and for civil defense planning.

3400 "Public Library Services" Activities related to the operation of public libraries by an LEA, or the provision of library services to the general public through the school library.

3500 "Custody and Child Care Services" Providing programs for the custodial care of children in residential day schools, or child care centers which are not part of, or directly related to the instructional program, and where the attendance of the children is not included in the attendance figures for the LEA.

3600 "Welfare Activities Services" Providing services for individuals who have been designated as needy by an appropriate governmental entity, including stipends for school attendance, salaries paid to pupils for work performed, whether for the LEA or for an outside concern, and for clothing, food, or other personal needs.

3700 "Nonpublic School Pupils Services" Services to pupils attending a school established by an agency other than the state, subdivision of the state or the federal government, which usually is supported primarily by nonpublic funds. The services include providing instructional services, attendance and social work services, health services, and transportation services for nonpublic school pupils.

3800 "Home/School Services" Services, usually provided in the home, which are designed to provide school readiness training to preschool children and their parents or to help parents provide educational support to their children of school age.

3900 "Other Community Services" Services provided the community which cannot be classified under the preceding functions.

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4000 "Nonprogrammed Charges" All payments to other LEAs.

4100 "Payments to Other Governmental Units (In-State)" Payments to in-state LEAs, generally for tuition, transportation, and all other services rendered to pupils residing in the paying LEA. Where a nonoperating district pays an operating district for the education of pupils, the nonoperating district records such payments here. Flow-through funds - where payment is received by an LEA and a portion is transferred to one or more other LEAs - use with object 720. (Expenditures in this function are not counted in state expenditure totals.)

4110 "Payments for Regular Programs" Payments made to LEAs, generally for tuition, services, and transportation related to regular education programs.

4120 "Payments for Special Education Programs" Payments made to LEAs, generally for tuition, services, and transportation related to special education programs.

4130 "Payments for Adult/Continuing Education Programs" Payments made to LEAs, generally for tuition, services, and transportation related to adult/continuing education programs.

4140 "Payments for Vocational Education Programs" Payments made to LEAs, generally for tuition, services, and transportation related to vocational education programs.

4170 "Payments for Community College Programs" Payments made to community colleges for the cost of tuition or services provided by the college.

4190 "Other Payments to In-State Governmental Units" Other payments made to in-state governmental units not classified under preceding functions (e.g., payments to

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Educational Service Centers, Educational Service Regions, and the State Board of Education).

4200 "Payments to Other Governmental Units (State, Out-of-State)" Payments to out-of-state LEAs for services rendered to pupils residing in the paying LEAs, generally for tuition and transportation. Where a governmental unit in one state collects money from a nonoperating district for the education of pupils from the nonoperating district and pays it to an nonoperating district in another state, the nonoperating district records such payments here. (These are not counted in national totals of expenditures.)

5000 "Debt Services" Servicing of the debts of an LEA.

5100 "Debt Services - Interest"

5110 "Anticipation Warrants" Those activities involving interest on anticipation warrants.

5120 "Anticipation Notes" Those activities involving interest on anticipation notes.

5130 "Teachers' Orders" Those activities involving interest on teachers' orders.

5140 "Bonds" Those activities involving interest on bonds.

5150 "Corporate Personal Property Replacement Tax Anticipation Notes" Those activities involving interest on the CPPT Anticipation Notes.

5160 "State Aid Anticipation Certificates" Those activities involving interest on state aid anticipation certificates.

5190 "Other Interest" Those activities involving interest on other LEA debts.

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5200 "Debt Services - Bond Principal Retired" Those activities involving the retirement of the bonded indebtedness of the LEA.

5900 "Debt Services - Other" Those debt services activities of the LEA not classified above.

6000 "Provision for Contingencies" This is not an account for recording entries, but the number would be used in the budget as a means of identifying the amount of the contingency provision.

8000 "Other Financing Uses"

8100 "Transfers to other Funds" Permanent transfers made from one fund to another fund, as authorized in The School Code and approved by the LEA board. These transfers are made with no expectation of repayment. All transfers use object 710.

8110 "Permanent Transfer of Working Cash Fund" The transfer to the Educational Fund when the Working Cash Fund is abolished as authorized in Section 20-8 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 20-8).

8120 "Permanent Transfer of Interest from Working Cash Fund" The permanent transfer of interest to the Educational; the Operations, Building and Maintenance; and Transportation Funds from the Working Cash Fund as authorized in Section 20-5 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 20-5).

8130 "Permanent Transfer from Educational Fund" The permanent transfer to the Operations, Building and Maintenance fund of monies in restricted amounts by LEAs meeting certain conditions as authorized in Section 17-2A of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 17-2A).

8140 "Permanent Transfer of Interest" Permanent transfer of interest as authorized in Sec. 10-22.44 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.44).

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8150

"Permanent Transfer from Site and Construction Fund" The transfer of bond proceeds remaining in the Site and Construction Fund to the Operations, Building and Maintenance Fund after the purposes for which the bonds have been issued have been accomplished and paid in full (Ill. Rev. Stat. 1987, ch. 122, par. 10-22.14).

8190

"Other Uses" Other miscellaneous financing uses that cannot be classified in preceding 8000 account numbers.

"Object and Subobject"

Object means the service or commodity obtained as the result of a specific expenditure. There are eight object categories, each of which is further subdivided into subobjects. Following are definitions of the object and subobject categories:

"Code"

"Descriptor"

100

"Salaries" Amounts paid to permanent, temporary or substitute employees on the payroll of the LEA. This includes gross salary for personal service rendered while on the payroll of the LEA.

110

"Regular Salaries" Full-time, part-time, and prorated portions of the costs for work performed by employees of the LEA who are considered to be in positions of a permanent nature.

120

"Temporary Salaries" Full-time, part-time and prorated portions of the costs for work performed by employees of the LEA who are hired on a temporary or substitute basis to perform work in temporary positions.

130

"Overtime Salaries" Amounts paid to employees of the LEA in permanent or temporary positions for work performed in addition to the normal work period for which the employee is compensated under Regular Salaries or Temporary Salaries above.

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200

"Employee Benefits" Amounts paid by the LEA on behalf of employees; these amounts are not included in the gross salary, but are over and above. Such payments are fringe benefits, and while not paid directly to the employees, nevertheless are a part of the cost (to the applicable functional areas). These types of costs are not considered a cost to the board of education function and should not all be charged to one area. These costs apply to the same function number as the cost of the applicable salary.

210

"Retirement" Amounts paid by the LEA for employees' retirement.

211

"Teachers Retirement" Amounts paid by the LEA to the Illinois Teacher's Retirement System (TRS) for certificated employees.

212

"Municipal Retirement" Amounts paid as the employer's share to the Illinois Municipal Retirement Fund (IMRF) for noncertificated employees' retirement.

213

"Federal Insurance Contribution Act" Amounts paid as the employer's share for federal insurance contributions for applicable certificated and noncertificated employees' social security. (FICA)

214

"Medicare Only" Amounts paid as the employer's share for the Medicare Only contributions for applicable employees (those who do not contribute to FICA but are required by law to contribute the Medicare Only portion of FICA).

215

"One-time TRS Early Retirement" Amount paid as the employer's portion of the one-time early retirement contribution required by Section 16-133.2 of The Pension Code (Ill. Rev. Stat. 1985 1987, ch. 108 1/2, par. 16-133.2). Appropriate salary function is charged, as with other employee benefits.

220

"Insurance" Employer's share paid by the LEA.

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- 221 "Life Insurance" Employer's share paid by the LEA for life insurance.
- 222 "Medical Insurance" Employer's share paid by the LEA for medical insurance.
- 223 "Dental Insurance" Employer's share paid by the LEA for dental insurance.
- 230 "Tuition Reimbursement" Amount reimbursed by the LEA to any employee qualifying for tuition reimbursement based upon LEA policy.
- 300 "Purchased Services" Amounts paid for personal services rendered by personnel who are not on the payroll of the LEA, and other services which the LEA may purchase. While a product may or may not result from the transaction, the primary reason for the purchase is the service provided in order to obtain the desired results.
- 310 "Professional and Technical Services" Services which by their nature can be performed only by persons with specialized skills and knowledge.
- 311 "Professional Services - Administrative" Services provided in support of various policy-making and managerial activities of the LEA. Included would be management consulting activities oriented to general governance, business and financial management of the LEA, and school management support activities.
- 314 "Professional Services - Instructional" Services provided in support of instructional programs or activities. Included would be counseling and guidance services, library and media support services, curriculum improvement services, and any other contracted services related to the enhancement of the teaching or instructional process.

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- 316 "Data Processing/Statistical Services" Services performed by persons, organizations or agencies to provide data processing and/or statistical data. This category includes special services for data processing, programming services, analysis, tabulations, or similar work.
- 317 "Audit/Financial Services" Services performed by auditors, accountants, or firms providing auditing or financial services to the Board of Education.
- 318 "Legal Services" Services rendered in connection with providing counseling and legal services to the Board of Education.
- 319 "Other Professional and Technical Services" Services which are professional and technical in nature which have not been classified above, such as athletic officials and service charges on long-term debt.
- 320 "Property Services" Services purchased to operate, repair, maintain and rent property owned and/or used by the LEA. These services are performed by persons other than LEA employees.
- 321 "Sanitation Services" Expenditures for services to provide garbage collection, trash removal, and exterminating services.
- 322 "Cleaning Services" Services purchased to provide cleaning or laundry services and snow removal.
- 323 "Repairs and Maintenance Services" Expenditures for repairs and maintenance services not provided directly by LEA personnel. This includes contracts and agreements covering the upkeep of grounds, buildings, and equipment. (Costs for new construction, renovating and remodeling are not included here, but are considered under Capital Outlay.)

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- 325 "Rentals" Expenditures for leasing or renting supplies, land, buildings, and equipment for both temporary and long-range use of the LEA. This includes bus and other vehicle rental when operated by the LEA, lease of data processing equipment, lease-purchase arrangements, and similar rental agreements. Costs for single agreements covering equipment as well as operators are not included here, but are considered elsewhere under Purchased Services (see Transportation, Printing and Binding, Public Utility Services, Repairs and Maintenance Services).
- 329 "Other Property Services" Property Services purchased which are not classified above.
- 330 "Transportation Services" Expenditures for transporting children to school and official travel of LEA employees.
- 331 "Pupil Transportation" Expenditures to persons or agencies for the purpose of transporting children to school. These include those expenditures to individuals who transport themselves or their own children or to those children for reimbursement of transportation expenses on a public carrier. Expenditures for the rental of buses which are operated by personnel on the LEA payroll are not recorded here; they are recorded under Purchased Services - Rentals.
- 332 "Travel" Expenditures for transportation, meals, hotel, and other expenses associated with traveling or business for the LEA. Payments for "Per Diem" in lieu of reimbursements for subsistence (room and board) also are charged here.
- 339 "Other Transportation Services" Transportation services other than those classified above.
- 340 "Communication" Services provided by persons or businesses to assist in transmitting and receiving messages or information. This

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- category includes telephone and telegraph services as well as postage machine rental and postage.
- 350 "Advertising" Expenditures for printed or broadcasted announcements in professional periodicals and newspapers or by way of radio and television networks. These expenditures include advertising for such purposes as personnel recruitment, legal ads, new and used equipment sales, and sale of other objects. Costs for professional fees for advertising or public relation services are not recorded here but are charged to professional services.
- 360 "Printing and Binding" Expenditures for job printing and binding, usually according to specifications of the LEA. This includes the design and printing of forms and posters as well as printing and binding of LEA publications. Preprinted standard forms are not charged here, but are recorded under Supplies and Materials.
- 370 "Water/Sewer Service" Expenditures to a utility company for water and sewage services.
- 380 "Insurance (other than employee benefits)" Insurance purchased to protect school board members against loss due to accident or neglect. Expenditures for all types of insurance including liability insurance, property insurance, bond premiums, vehicle insurance, pupil transportation insurance, worker's compensation insurance, and unemployment compensation insurance. (Payments for insurance such as health, life, and dental are employee benefits, and charged under the "200" Objects - Employee Benefits.) Applicable functional areas are charged.
- 390 "Other Purchased Services" Expenditures for all other purchased services not included above, such as election judges.

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400

"Supplies and Materials" Amounts paid for material items of an expendable nature that are consumed, worn out, or deteriorated in use; or items that lose their identity through fabrication or incorporation into different or more complex units or substances.

It should be noted that a more thorough classification of expenditures will be achieved by identifying the object with the function; for example, the type of supplies, such as audiovisual supplies or classroom teaching supplies. Should greater detail be desired, the expenditure classification may include subject matter area: mathematics; or a particular supply object can be broken into further subdivisions.

410

"General Supplies" Expenditures for all supplies for the operation of an LEA including workbooks, freight, and cartage.

420

"Textbooks" Expenditures for prescribed books which are purchased for pupils or groups of pupils, and resold or furnished free to them. This category includes the cost of textbook binding or repairs, as well as the net amount of textbooks which are purchased to be resold or rented.

430

"Library Books" Expenditures for regular or incidental purchases of library books available for general use by students, including any reference books, even though such reference books may be used solely in the classroom. Also recorded here are costs of binding or other repairs to school library books. The initial purchase of books for a new school library or any materials accessions involving an expansion of the library are recorded under Capital Outlay.

440

"Periodicals" Expenditures for periodicals and newspapers for general use. A periodical is defined as any publication appearing at regular intervals of less than a year and continuing for an indefinite period.

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450

"Warehouse Inventory Adjustment" Expenditures which are the result of a deficit usually found in an audit or count of items held in a store or warehouse inventory. Expenditures for the purchase of these items are generally debited to an Asset account, Inventory of Supplies, and are charged to the proper appropriation as they are requisitioned. Only a loss should be charged to this account. If the physical inventory reflects an average surplus in items, the excess is debited to the Asset account; Inventory.

460

"Energy" Expenditures for energy costs, including electricity, gas, oil, coal, gasoline, and other services or supplies related to energy and/or utility costs from a private utility service or public supply company. Included are the transportation costs involved in securing these products or services.

461

"Bottled Gas" Expenditures for bottled gas, such as propane gas received in tanks.

462

"Oil" Expenditures for bulk oil normally used for heating purposes.

463

"Coal" Expenditures for coal normally used for heating purposes.

464

"Gasoline" Expenditures for gasoline purchased in bulk or periodically from a gasoline service station or supplier.

465

"Natural Gas" Expenditures for gas utility services from a private or public utility company.

466

"Electricity" Expenditures for electric services from a private or public utility company.

469

"Other Energy Costs" Other energy supplies and/or utility costs not identified above.

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470 "Software" Expenditures for the purchase of computer software supplies.

490 "Other Supplies and Materials" Expenditures for all other Supplies and Materials not included above.

500 "Capital Outlay" Expenditures for the acquisition of fixed assets or additions to fixed assets. They are expenditures for land or existing buildings; improvements of grounds; construction of buildings; additions to buildings; remodeling of buildings; initial equipment; additional equipment; and replacement of equipment.

510 "Land" Expenditures for the purchase of land.

520 "Buildings" Expenditures for acquiring buildings and additions, either existing or to be constructed. Included are expenditures for installment or lease payments (except interest) which have a terminal date and result in the acquisition of buildings, except payments to public school housing authorities or similar agencies. Expenditures for major permanent structural alterations and the initial or additional installation of heating and ventilating systems, electrical systems, plumbing systems, fire protection systems, and other service systems in existing buildings are also included.

530 "Improvements Other Than Buildings" Expenditures for the initial and additional improvement of sites and adjacent ways after acquisition by the LEA, consisting of such work as grading, landscaping, seeding, and planting of shrubs and trees; constructing new sidewalks, roadways, retaining walls, sewers and storm drains; installing hydrants; initial surfacing and soil treatment of athletic fields and tennis courts; furnishing and installing for the first time fixed playground apparatus, flagpoles, gateways, fences, and underground storage tanks which

are not parts of building service systems; and demolition work. Special assessments against the LEA for capital improvements such as streets, curbs, and drains are also recorded here.

540 "Equipment" Expenditures for the initial, additional, and replacement items of equipment, such as furniture and machinery. In order to differentiate between initial or additional equipment purchases and replacement equipment purchases, subaccounts could be established with those titles.

550 "Vehicles" Expenditures for the purchase of conveyances to transport persons or objects.

590 "Other Capital Outlay" Expenditures for all other Capital Outlay not classified above.

600

"Other Objects" Amounts paid for goods and services not otherwise classified above.

610 "Redemption of Principal" Expenditures which are from current funds to retire the principal of bonds.

620 "Interest" Expenditures from current funds for interest on serial bonds, tax anticipation notes, tax anticipation warrants and teachers' orders.

630 "Housing Authority Obligations" A public school housing authority is a public corporation or quasi-public corporation having power to perform one or more of the following functions: issue authority bonds for public school purposes, construct public school buildings, lease public school buildings to local public school administrative units, or transfer titles to such units. All expenditures of this nature are classified in this category.

640 "Dues and Fees" Expenditures for assessments or membership in professional or other organizations or associations.

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650

"Judgments" Expenditures from current funds for judgments against the LEA that are not covered by liability insurance, but are of the type that might have been covered by insurance. Amounts paid as the result of a court decision are recorded here, and charged to the board function. (Judgments against the LEA resulting from failure to pay bills or debt service are recorded under the appropriate expenditure accounts as though the bills or debt service had been paid when due.)

690

"Miscellaneous Objects" Other objects which cannot be classified elsewhere. Included are taxes on real estate owned by the LEA.

700

"Transfers" This object category does not represent a purchase; rather, it shows that funds have been transferred in some manner. Included here are transactions for moving money from one fund to another and for transmitting flow-through funds to another LEA.

710

"Fund Modifications" This category represents transactions of conveying money from one fund to another.

720

"Transits" This category represents flow-through funds that one LEA receives as a part of a specific grant and then transfers to one or more other LEAs.

800

"Tuition" Expenditures to reimburse other educational agencies for services rendered to students residing within the legal boundaries described for the paying LEA. Payments to private educational facilities should be charged to the appropriate instructional function; payments to other public LEAs shall be charged to the appropriate function within the 4000 series of function numbers.

"Job Classification Activity"

The job classification activity dimension can be used to further define salary object numbers, but should not be used with any of

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the other object numbers. This classification code can be adapted to each LEA's needs, depending upon its size and internal reporting needs. A very large district with many job classifications may need to use the total three-digit number. The one-digit job classification numbers, shown below, can be used in conjunction with appropriate object numbers by changing the last digit of each salary object code (the zero) to the number needed to signify the correct job classification. Examples: #111=A regular Administrative Salary; #115=A regular Clerical Salary; and #125=A temporary Clerical Salary.

"Code"

"Descriptor"

1

"Official/Administrative" Assignments comprising the various skill levels required to perform management activities, such as developing broad policies for the LEA and executing these policies through direction of staff members at all levels of the LEA. Those activities performed directly for policymakers are also included here. This classification includes the districtwide administrators and Board of Education members.

101

"Administrative Assistant Assignment"

102

"Administrative Intern Assignment"

103

"Assistant Deputy/Associate Superintendent Assignment"

104

"Assistant Principal Assignment"

105

"Board of Education Member Assignment"

106

"Foreman Assignment"

107

"Ombudsman Assignment"

108

"Principal Assignment"

109

"Superintendent Assignment"

110

"Supervising/Managing/Directing Assignment"

2

"Professional-Educational" Assignments requiring a high degree of knowledge and

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teaching skills acquired through at least a baccalaureate degree (or its equivalent obtained through special study and/or experience), including skills in the field of education or educational psychology. Included are teachers, remedial specialists, curriculum specialists, counselors and library/media specialists.

201 "Curriculum Specialist Assignment"

202 "Counseling Assignment"

203 "Librarian/Media Assignment"

204 "Remedial Specialist Assignment"

205 "Teaching Assignment"

"Professional-Other" Assignments requiring a high degree of knowledge and skills acquired through at least a baccalaureate degree (or its equivalent obtained through special study and/or experience), but not requiring skills in the field of education. This classification includes nurses, social workers, psychologists, architects, lawyers, physicians and accountants.

301 "Accounting Assignment"

302 "Analyst Assignment"

303 "Architect or Engineer Assignment"

304 "Audiologist Assignment"

305 "Auditing Assignment"

306 "Dentist Assignment"

307 "Dietitian/Nutritionist Assignment"

308 "Editing Assignment"

309 "Evaluating Assignment"

310 "Legal Assignment"

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311 "Negotiating Assignment"

312 "Ophthalmologist Assignment"

313 "Optometrist Assignment"

314 "Personnel Assignment"

315 "Physician Assignment"

316 "Planning Assignment"

317 "Psychiatrist Assignment"

318 "Psychologist Assignment"

319 "Public/Community Relations Assignment"

320 "Registered Nursing Assignment"

321 "Registrar Assignment"

322 "Research and Development Assignment"

323 "Social Work Assignment"

324 "Statistician Assignment"

325 "Therapist Assignment"

4

"Technical" Assignments requiring a combination of basic scientific knowledge and manual skills which can be obtained through approximately two years of post high school education, such as is offered in junior/community colleges and technical institutes, or through equivalent special study and/or on-the-job training. This classification includes interns, aides, computer operators and practical nurses.

401 "Audiometrist Assignment"

402 "Computer Operating Assignment"

403 "Dental Hygienist Assignment"

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404	"Graphic Arts Assignment"
405	"Inspector Assignment"
406	"Practical Nursing Assignment"
407	"Programming Assignment"
408	"Psychometrist Assignment"
409	"Purchasing Agent Assignment"
410	"Student-Teaching Assignment"
411	"Teaching Aide Assignment"
412	"Teaching Intern Assignment"

5

"Office/Clerical" Assignments to perform the activities of preparing, transferring, transcribing, systematizing, or preserving communications, records, and transactions, regardless of the level of skills required, where the activities are predominantly non-manual.

501	"Bookkeeping Assignment"
502	"Clerical Assignment"
503	"Messenger Assignment"
504	"Records Managing Assignment"

6

"Craft and Trades" Assignments requiring a relatively high level of manual skill (usually acquired through an extensive period of training) as well as requiring considerable judgment and a comprehensive knowledge of the processes involved in the work.

601	"Carpenter Assignment"
602	"Electrician Assignment"
603	"General Maintenance Assignment"

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604	"Masonry Assignment"
605	"Mechanic Assignment"
606	"Painting Assignment"
607	"Plastering Assignment"
608	"Plumbing Assignment"

7

"Operative" Assignments requiring an intermediate level of manual skill (which can be mastered in a few weeks of training) necessary to perform machine operating activities, such as bus driver or truck driver.

702	"Dispatching Assignment"
703	"Vehicle Operating Assignment"

8

"Laborer" Assignments which generally require no special training. The one fairly common laborer assignment associated with an LEA is groundskeeping; others may be added by the local administrator if needed by a particular LEA.

801	"Groundskeeping Assignment"
-----	-----------------------------

9

"Service Work" Assignments, regardless of level of difficulty, which relate to protective and nonprotective supportive services. The list may be expanded as necessary at the discretion of the local administrator.

901	"Attendance Officer Assignment"
902	"Custodian Assignment"
903	"Elevator Operating Assignment"
904	"Food Service Assignment"
905	"Guard/Watchman Assignment"
906	"Monitoring Assignment"

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907

"Stores Handling Assignment"

"Term"

Term is a division of the school year (the 12-month period of time denoting the beginning or ending dates for school accounting purposes) which may be divided into regular and summer terms, semesters, trimesters, or quarters. For purposes of this Manual, it is suggested that the following terms be used.

"Code"

"Descriptor"

1 "Fall Term Day" This is a division which usually begins in August or September and ends in December or January and pupils attend the day sessions.

2 "Fall Term Evening" This is the same as the term above except pupils attend the evening sessions.

3 "Winter Term Day" This is a division which usually begins in November or December and pupils attend the day sessions.

4 "Winter Term Evening" This is the same as the term above except pupils attend the evening session.

5 "Spring Term Day" This is a division which usually begins in January or February and ends in May or June and pupils attend the day sessions.

6 "Spring Term Evening" This is the same as the term above except pupils attend the evening session.

7 "Summer Term Day" This is a division which usually begins in June and ends in August and pupils attend the day sessions.

8 "Summer Term Evening" This is the same as the term above except pupils attend the evening session.

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"Subject Matter Area"

Subject Matter Area is a group of closely related subjects. These codes permit the accumulation of costs associated with particular subjects. Additional categories can be added by the LEA if needed.

"Code"

"Descriptor"

01

"Agriculture" Programs include: agricultural production; agricultural supplies/services; agricultural mechanics; agricultural products; ornamental horticulture; processing, management, marketing, and services; other agriculture areas (vocational program).

02

"Art" Courses including art history and theory and art instruction. Activities primarily involve visual, tactile and kinesthetic expression.

03

"Business" Courses including accounting; bookkeeping; budget control; business arithmetic or mathematics; business communications; business ethics; business finance; business law; business machines; business psychology; business statistics; office work experience; clerical practice; consumer education; credit and collections; economics; economic geography; exploratory business; filing and record control; general business or introduction to business; insurance and risk; investments; business and management principles; marketing; office practice; personal development and human relations; personal finance; real estate; retailing, selling principles; shorthand, stenographic, and secretarial; typewriting; other business areas.

04

"Marketing and Distribution" Program includes: marketing and distribution courses related to apparel and accessories business; and personal service; marketing programs; financial services; floristry, farm and garden supplies; food marketing programs; industrial; retailing programs; general

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marketing programs; home furnishings and office products; hardware; hospitality and recreation; insurance marketing programs; transportation and travel; vehicles and petroleum; and marketing cooperative education programs (vocational program).

05 "English Language Arts" Courses including language skills; linguistics; literature; composition; speech; dramatic arts.

06 "Foreign (or Second) Languages" Courses including classical languages; modern foreign languages; humanities.

07 "Health Occupations Education" Program includes: dental; medical laboratory technology; nursing; radiology; ophthalmic, occupational therapy, respiratory therapy; rehabilitation; physical therapy and other related health occupations (vocational program).

08 "Health and Safety in Daily Living" Courses in health and safety in daily living designed to promote development in the areas of personal and public health and safety.

09 "Home Economics" Courses include: food and nutrition; child development; clothing and textiles; living environments; parenting; adult living; resource management; food service management; day care occupations; fashion/fabric coordination (vocational program).

10 "Industrial Arts" Courses including construction; crafts (industrial); drafting; electricity/electronics; elementary school industrial arts; general industrial arts; graphic arts; home mechanics; industrial arts mathematics; industrial arts science (applied chemistry); industrial arts science (applied physics); industrial materials and processes; manufacturing; metals; plastics; power/automotive mechanics; research and development; service industries; woods; other industrial arts.

11 "Mathematics" Courses including elementary school mathematics; mathematics for seventh and eighth grades; algebra; algebra and trigonometry (integrated); applied mathematics; calculus; calculus with analytic geometry; computer mathematics; elementary functions; first-year college mathematics for elementary school teachers; general mathematics for elementary school teachers; general mathematics; geometry; introduction to analysis; liberal arts mathematics; probability and statistics; trigonometry; other mathematics.

12 "Music" Courses including music (general education); music literature and/or history; music theory; vocal music; instrumental music; rhythm and body movement; humanities, other music.

13 "Natural Sciences" Courses including general science (including elementary school science); biological sciences; physical sciences; earth-space sciences.

14 "Business and Office" Courses include: accounting, bookkeeping, and related programs; business computer and console operation; business data entry equipment operation; business data programming; legal secretarial; medical secretarial; secretarial; word processing; general office clerk/information specialist; business and office cooperative education (vocational program).

15 "Social Sciences" Courses including anthropology; area studies, citizenship education; economics; geography; history; humanities; philosophy; political science; psychology; and sociology.

16 "Construction Trades" Programs include: brick, block, and stonemasonry; carpentry; residential/commercial electrician; electrician; lineworker; building maintenance and custodial service; drywall installation;

painting and decorating; plumbing, pipefitting, and steamfitting; construction and building trades (vocational program).

"Mechanics and Repairers" Program includes: business machine repair; communication electronics; computer electronics maintenance and repair; industrial electronics; major appliance repair; motor repair; small appliance repair; heating, air conditioning, and refrigeration mechanics; heavy equipment maintenance and repair; industrial machinery maintenance and repair; operation, maintenance, and repair of audio-visual equipment; watch repair; instrument repair; stationary energy sources; vehicle and mobile equipment mechanics and repairers; aircraft mechanics; automotive body repair; automotive mechanics; diesel engine mechanics; small engine repair (vocational program).

"Precision Production" Program includes: drafting, general; graphic & printing communication; commercial art, commercial photography; lithography, photography, and platemaking; printing press operations, silk screen making and printing; upholstering; precision metal work; foundry work, machine tool operation/machine shop; sheet metal; tool and die making; welding, brazing, and soldering; plastics; millwork and cabinet making (vocational program).

"Differentialized Curriculum for Handicapped Pupils" Courses including communication skills; interpersonal and behavioral coping skills; motor skills; perceptual skills; and other differentialized curriculum for handicapped pupils.

"Environmental Design" Program includes: interior design (vocational program).

"Driver Education" Courses in driver education.

22 "Communication Technologies" Programs include: radio and television production and broadcasting technology (vocational program).

23 "Consumer, Personal, and Miscellaneous Services" Programs include: barbering; cosmetology (vocational program).

24 "Engineering and Engineering-Related Technologies" Programs include: environmental control; quality control technology (vocational program).

25 "Protective Services" Programs include: public service occupations; firefighting (vocational program).

26 "Transportation and Material Moving" Programs include: airplane piloting and navigation; mining equipment operation (vocational program).

27 "Business and Management" Program includes: real estate and small business management (vocational program).

28 "Communications" Program includes: advertising (vocational program).

29 "Renewable Natural Resources" Programs that prepare individuals for activities involving the conservation and/or improvement of natural resources such as air, soil, water, land, fish, and wildlife for economic and recreational purposes (vocational program).

30 "Interscholastic Activities" Those extracurricular activities which supplement the regular instructional program such as athletics, band, chorus, and speech.

40 "Junior ROTC" Activities organized into programs of instruction to provide opportunities for students to prepare for and achieve career objectives in selected branches of the military service.

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50

"Physical Education" Activities designed to develop physical and mental growth and fitness of individuals. Emphasis is placed on improving the muscles, motor skills, attitudes and habits of conduct.

60

"Special Programs" Vocational orientation course for special education students in a nonmainstreamed environment (vocational program).

61

"Computers" Activities or programs that provide regular instruction in any areas of data processing and/or computer operations.

70

"Cocurricular Activities" Courses including academic cocurricular activities; music cocurricular activities; school and/or public service cocurricular activities; social cocurricular activities.

"Programs"

This dimension lacks the rigidity and definition found in other dimensions. This is purposeful for it is recognized that it would be impossible to categorize in advance all cost combinations an LEA might want to accumulate in order to attain certain objectives. Program may be defined as a group of interdependent, closely related services and/or activities progressing toward or contributing to a common objective or set of allied objectives.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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1) Heading of the Part: Reading Improvement Program

2) Code Citation: 23 Ill. Adm. Code 260

3) Section Numbers:
260.10
260.40
Proposed Action:
Amendment
Amendment

4) Statutory Authority: P.A. 86-237

5) A Complete Description of the Subjects and Issues Involved:

P.A. 86-237, effective January 1, 1990, increased the reimbursement limit to school districts for reading specialists by deleting the words "two-thirds of" from the provision that payments not exceed "two-thirds of the minimum starting teacher salary." These amendments bring the rules into compliance with P.A. 86-237.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

James Mendenhall
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

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- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 260
READING IMPROVEMENT PROGRAM

- Section
- 260.10 Definitions
- 260.20 Purpose
- 260.30 Eligible Applicants
- 260.40 Allowable Expenditures
- 260.50 Procedure and Criteria for Approval of Applications
- 260.60 Allocation of Funds
- 260.70 Distribution of Grant Awards

AUTHORITY: Implementing and authorized by Section 2-3.51 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.51, as amended by P.A. 86-237, effective January 1, 1990).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at ___ Ill. Reg. ___, effective ____.

NOTE: Capitalization denotes statutory language.

Section 260.10 Definitions

"Aides" means noncertificated personnel employed in the manner provided in 23 Ill. Adm. Code 1.630 (Public Schools Evaluation, Recognition and Supervision) and for the purposes authorized in Section 2-3.51 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 2-3.51).

"Books" means items such as library books, textbooks and periodicals, provided that they are an integral part of the district's reading and/or study skills improvement program.

"Other Personnel" means individuals other than reading specialists and teacher aides providing instructional and other services integral to the district's reading and/or study skills improvement program.

"Other printed materials" means items such as reading kits, filmstrips and other audio-visuals and instructional software

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specifically designated for use in a district's reading and/or study skills improvement program.

"Reading Specialist" means a teacher whose major teaching assignment is reading and who is qualified according to the requirements of 23 Ill. Adm. Code 1.740 (Public Schools Evaluation, Recognition and Supervision), or who possesses a special certificate endorsed for teaching reading in accordance with the requirements of 23 Ill. Adm. Code 25.40 (Certification).

"Study Skills" means those strategies and techniques that help a person acquire knowledge and skill for a specific purpose. Study skills commonly include the ability to: follow directions; locate, select, and organize and retain information; and to interpret narrative, graphic and other forms of information.

(Source: Amended at ___ Ill. Reg. ____, effective ____)

Section 260.40 Allowable Expenditures

a) Allowable expenditures consist of expenditures for reading specialists, teacher aides and other personnel and for the acquisition of books and other printed materials to the extent provided in Section 2-3.51 of The School Code and this Part.

b) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING READING SPECIALISTS, PROVIDED THAT NO SUCH PAYMENT SHALL EXCEED TWO-THIRDS (2/3) OF THE MINIMUM STARTING TEACHER SALARY IN THE DISTRICT PER READING SPECIALIST SO EMPLOYED, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE PAYMENT FOR MORE THAN ONE READING SPECIALIST FOR EACH 15 CERTIFICATED TEACHERS, OR MAJOR FULL-TIME EQUIVALENT PORTION THEREOF, EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX.

c) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING TEACHER AIDES, PROVIDED THAT NO SUCH PAYMENT SHALL EXCEED THE LESSER OF THE ACTUAL SALARIES PAID BY A SCHOOL DISTRICT TO ITS TEACHER AIDES EMPLOYED PURSUANT TO THIS PART, OR ONE-THIRD (1/3) OF THE MINIMUM STARTING TEACHER SALARY IN THE DISTRICT PER TEACHER AIDE SO EMPLOYED, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT SHALL BE ELIGIBLE TO BE PAID UNDER THIS SECTION FOR MORE THAN ONE

TEACHER AIDE FOR EACH 3 CERTIFICATED TEACHERS EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX.

d) Each person employed as a teacher aide pursuant to this Part must work under the supervision of a certificated teacher, and, as a condition precedent to such employment, either shall have earned at least 30 semester hours of college credit or shall have successfully completed a Teacher Aide Program at an institution approved by the State Board of Education pursuant to 23 Ill. Adm. Code 25.540 (Certification).

(Source: Amended at ___ Ill. Reg. ____, effective ____)

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1) The Heading of the Part: General Conditions of State of Illinois Grants for Nonhazardous Solid Waste Planning and Enforcement.

2) Code Citation: 35 Ill. Adm. Code 871

3) Section Numbers: Proposed Action:

871.101	Amend
871.102	Amend
871.201	Amend
871.301	Amend
871.303	Amend
871.305	Amend
871.402	Amend
871.503	Amend

4) Statutory Authority: Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1987, Ch. 111 1/2, Par. 1022.15).

5) A Complete Description of the Subjects and Issues Involved: The Illinois Solid Waste Management Act authorizes the Agency to utilize monies in the Solid Waste Management Fund to provide financial assistance to units of local government for the development of Nonhazardous Solid Waste Management Plans and for inspection, investigation and enforcement activities at nonhazardous solid waste disposal sites. Rules were adopted setting forth guidance which governs the terms of any agreement through which the Agency provides such financial assistance, and governs the terms of any other agreements or contracts which the recipient enters into pursuant to or in furtherance of his or her agreement with the Agency. These amendments clarify when the Agency will approve a subagreement entered into by the grantee of any financial assistance awarded pursuant to 35 Ill. Adm. Code 870 and 871, with any other party for the purposes of completing the project for which the grant was awarded. The amendments also set forth when the Agency will approve project changes. Finally, the amendments correct certain code citations to the Environmental Protection Act.

6) Will this Proposed Amendment replace an Emergency Rule currently in effect? No

7) Does this Rulemaking contain an Automatic Repeal Date? No

8) Does this Proposed Amendment contain Incorporations by Reference? No

9) Are there any Proposed Amendments to this Part Pending? No

10) Statement of Statewide Policy Objectives: These amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat., ch. 85, par. 2203(b)).

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11) Time, Place and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Persons who wish to submit comments on these proposed Amendments may submit them in writing by no later than 45 days after publication of this notice to:

Mark V. Gurnik
Enforcement Programs
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 21, 1990

B) Types of Small Businesses Affected: The Agency believes no small businesses will be affected.

C) Reporting, Bookkeeping or other Procedures Required for Compliance: These amendments will require the grantee to make certain showings to obtain Agency approval of any subagreement entered into by the grantee with any other party for the purposes of completing the project for which the grant was awarded, and to obtain Agency approval of any project changes.

D) Types of Professional Skills Necessary for Compliance: No additional professional skills will be required for compliance with these amendments.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 871

GENERAL CONDITIONS OF STATE OF ILLINOIS GRANTS FOR
NONHAZARDOUS SOLID WASTE PLANNING AND ENFORCEMENT

SUBPART A: INTRODUCTION

Section
871.101
871.102
871.103

Purpose
Definitions
Severability

SUBPART B: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH GRANT CONDITIONS

Section
871.201
871.202
871.203
871.204
871.205
871.206

Noncompliance with Grant Conditions
Stop-Work Order
Termination
Waiver of Conditions
Covenant Against Contingent Fees
Statutory Conditions

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section
871.301
871.302

General Conditions for all Subagreements
Contracts for Personal and Professional Services - Professional
Consultant Agreements
Compliance with Procurement Requirements
Disputes
Indemnity

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION AND AMENDMENT

Section
871.401
871.402
871.403

Project Initiation
Project Changes
Termination of Delegation Agreement

SUBPART E: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section
871.501
871.502
871.503

Access
Audit and Records
Reports

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SUBPART F: REQUIREMENTS APPLICABLE TO PAYMENT OF GRANTS

Section
871.601
871.602
871.603
871.604
871.605

Determination of Allowable Costs
Amount of Grant-Percentage of Approved Allowable Costs
Use of Grant and Payment of Non-Allowable Costs
Grant Payment Schedule
Other Federal or State Grants

Appendix A: Required Provisions -- Professional
Consultant Agreements
Appendix B: Procedures for Determination of
Indirect Costs and Indirect Cost
Rates

AUTHORITY: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1987, Supp. ch. 111 1/2, par. 1022.15).

SOURCE: Adopted at 11 Ill. Reg. 18158, effective October 23, 1987; amended at Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: INTRODUCTION

Section 871.101 Purpose

a) Section 22-1422.15 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 19867 Supp., ch. 111 1/2, par. 1022-141022.15, as-added-by P.A.-84-1319, effective-September-4, 1986) authorizes the Agency to:

- 1) PROVIDE FINANCIAL ASSISTANCE TO UNITS OF LOCAL GOVERNMENT IN PLANNING FOR THE MANAGEMENT OF NONHAZARDOUS SOLID WASTE WHERE ALTERNATIVES TO DISPOSAL OF NONHAZARDOUS SOLID WASTE IN A SANITARY LANDFILL WILL RECEIVE FULL EVALUATION AND CONSIDERATION IN THE PLANNING PROCESS; AND
 - 2) TO PROVIDE FINANCIAL ASSISTANCE TO UNITS OF LOCAL GOVERNMENT FOR THE PERFORMANCE OF INSPECTING, INVESTIGATING AND ENFORCEMENT ACTIVITIES PURSUANT TO SECTION 4(r) AT NONHAZARDOUS SOLID WASTE DISPOSAL SITES
- b) The rules set forth in this Part constitute conditions which apply to any agreement through which the Agency provides the financial assistance described in subsection (a) for:

- 1) planning the management of nonhazardous solid waste in accordance with Section 22-1414122.15(g) of the Environmental Protection Act; and

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- 2) inspecting, investigation and enforcement activities at nonhazardous solid waste disposal sites in accordance with Section 22-144(h)22.15(h) of the Environmental Protection Act.

(Source: Amended at ___ Ill. Reg. ___, effective ___,)

Section 871.102 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act.
- b) For purposes of these rules, the following definitions apply.

"Act"

The Environmental Protection Act (Ill. Rev. Stat. 1985, and 1986 Supp., ch. 111 1/2, par. 1001 et seq.).

"Contractor"

The person to whom a subagreement is awarded.

"Delegation Agreement"

An agreement authorized by Section 4(r) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1004(r)), under which the Agency may delegate inspection, investigation and enforcement authority to a unit of local government.

"Enforcement Grant"

A grant issued pursuant to Section 22-144(h)22.15(h) of the Environmental Protection Act for inspection, investigation and enforcement activities at nonhazardous waste disposal sites. (Referred to as 'SWE Grant' in 35 Ill. Adm. Code 870).

"Generally Accepted Accounting Principles"

Means procedures outlined by the Financial Accounting Standards Board (High Ridge Park, Stamford Connecticut, 060905, June 1, 1987). (This incorporation contains no further amendments or additions).

"Grant Agreement"

The written agreement and amendments thereto between the Agency and a grantee (applicant) in which the terms and conditions governing the grant are stated and agreed to by both parties.

"Grantee"

The unit of local government which has been awarded a grant for solid waste management planning or enforcement under Section 22-142.15 of the Environmental Protection Act (1986-Supp--to

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Ill. Rev. Stat. 1985, ch. 111 1/2, par. 102-141022.15, as added by PA-84-1319, effective September 4, 1986).

"Phase I SWP Grant"

A Solid Waste Needs Assessment grant issued pursuant to Section 22-144(g)22.15(g) of the Environmental Protection Act and 35 Ill. Adm. Code 870.204(b).

"Phase II SWP Grant"

A Solid Waste Planning grant issued pursuant to Section 22-144(g)22.15(g) of the Environmental Protection Act and 35 Ill. Adm. Code 870.204(c).

"Planning Grant"

A grant issued pursuant to Section 22-144(g)22.15(g) of the Environmental Protection Act for the planning of nonhazardous solid waste management.

"Subagreement"

A written agreement between the grantee and another party and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts for personal and professional services and purchase orders.

(Source: Amended at ___ Ill. Reg. ___, effective ___,)

SUBPART B: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH GRANT CONDITIONS

Section 871.201 Noncompliance with Grant Conditions

- a) In the event of noncompliance with any condition or obligation imposed pursuant to a grant made under Section 22-1422.15 of the Act, the Director may take one or more of the following actions:

- 1) Commence legal action in a court of competent jurisdiction (e.g., to obtain an injunction or to recover in fraud);
- 2) Annul the grant and recover all grant funds pursuant to the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, and 1988 Supp., ch. 127, par. 2301 et seq.);
- 3) Terminate the grant pursuant to Section 871.203;
- 4) Suspend all or part of the project work pursuant to Section 871.202; or

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- 5) Take other actions such as reducing the amount of the grant by the amount of misused funds, disallow costs in accordance with Section 871.601.
- b) No action shall be taken under this Part without prior consultation with the applicant.
- c) In determining whether to take action and which action to take when the Agency is empowered to act under this Part, the Agency shall consider factors such as the severity of the violation(s); the number of violations by the grantee; whether the violation is a continuing one; whether the grantee can remedy the violation; and whether the grantee and any subagreements remain capable of complying with the approved work project (see Subpart C).

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section 871.301 General Conditions for all Subagreements

- a) **Scope of Application**
The following conditions shall apply to all subagreements entered into between the grantee and any other party and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which the grant is awarded, including contracts and subcontracts for personal and professional services.
- b) **Local preference**
Local laws, ordinances, regulations or procedures which are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be employed in evaluating bids or proposals for subagreements under a grant.
- c) **Competition**
It is the policy of the Agency to encourage free and open competition appropriate to the type of project work to be performed.
- d) **Profits**
Only fair and reasonable profits may be earned by contractors in subagreements under Agency grants. Factors to be considered in determining a fair and reasonable profit shall include material acquisition, labor costs, associated management costs, contract risks, capital investments, degree of independent development, and cost control and record keeping efforts. The determination of a fair and reasonable profit shall not be based upon the application of a predetermined percentage factor.

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- e) **Grantee responsibility**
The grantee is responsible for the administration and successful accomplishment of the project for which the Agency grant is awarded. The grantee is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements entered into under the grant. This includes but is not limited to issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. These functions may be performed for the grantee by an individual or firm retained by the grantee for that purpose. Such an agent acts for the grantee and is subject to all the provisions of the grant agreement, including the requirements contained in this Part, which apply to the grantee.
- f) **Privity of contract**
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), nor to any solicitation or request for proposals therefor.
- g) **General requirements**
Subagreements must:
 - 1) Be directly related to the accomplishment of the grantee's approved work program.
 - 2) Be in the form of a bilaterally executed written agreement (except for small purchases of \$10,000 or less);
 - 3) Be for monetary or in-kind consideration; and
 - 4) Not be in the nature of a grant or gift.
- h) **Documentation**
 - 1) Procurement records and files for contracts in excess of \$10,000 shall include the following:
 - A) Basis for contractor selection;
 - B) Basis for award cost or price.
 - 2) Procurement documentation as described in subsection (h)(1) above shall be retained by the grantee or contractors of the grantee for the period of time required by Section 871.502.
- i) **In-kind work**
 - 1) The grantee must secure prior written approval of the Agency for utilization of in-kind work for work on Planning Grants in

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excess of \$10,000 for Phase I activities and \$25,000 for Phase II activities unless otherwise stipulated in the Grant Agreement.

- 2) The Agency's approval shall be based on its determination that:

- A) The Grantee has trained manpower and supervisory personnel whose expertise and current responsibilities would enable them to accomplish the project work and to maintain records of such work in accordance with this Part.
- B) The use of in-kind work will effect savings in cost over those that would be incurred under technical/professional service contracting methods.

- j) No subagreement shall be awarded:

To any person or organization which does not:

- 1) Have adequate financial resources for performance, the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain such (including proposed subagreements);
 - 2) Have staffing sufficient to comply with the proposed or required completion schedule for the project;
 - 3) Have a satisfactory record of integrity, judgment, and performance, including in particular any prior performance under grants and contracts with the federal and state governments;
 - 4) Have an adequate financial management system and audit procedure which complies with generally accepted accounting procedures and with American Institute of Certified Public Accountant's Professional Standards. (666 Fifth Avenue, N.Y., N.Y. 10019, June 1, 1987). (This incorporation contains no later amendments or additions).
 - 5) Maintain a standard of procurement in accordance with this Part;
 - 6) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
 - 7) Conform to the civil rights, equal employment opportunity, and labor law requirements of the State of Illinois.
- k) Fraud and other unlawful or corrupt practices

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- 1) The award and administration of grants by the State of Illinois, and of subagreements awarded by grantees under those grants, must be accomplished free from bribery, graft, kickbacks, and other corrupt practices. The grantee bears the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
- 2) The grantee must effectively pursue available state or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices which are brought to its attention. The grantee shall advise the Agency immediately when any such allegation or evidence comes to its attention, and shall periodically advise the Agency of the status and ultimate disposition of any such matter.

- 1) Negotiation of subagreements

Negotiation of subagreements (i.e., award of subagreements by any method other than formal advertising) is authorized if it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Procurements may be negotiated by the applicant if:

- 1) Public exigency as evidenced by governmental declaration will not permit the delay incident to advertising (e.g., an emergency procurement);
- 2) The aggregate amount involved does not exceed \$2,500;
- 3) The material or service to be procured is available from only one person or firm (and, if the procurement is expected to aggregate more than \$10,000, the Agency has given prior approval in writing);
- 4) The procurement is for personal or professional services, or for any service to be rendered by a university or other educational institution;
- 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising, and the Agency has given advance written approval. The Agency shall give such approval upon a showing by the grantee that no responsive, responsible bids were received;

- m) Small purchase

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- 1) A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one transaction does not exceed \$10,000. The small purchase limitation of \$10,000 applies to the aggregate total of an order, including all estimated handling and freight charges, overhead, and profit to be paid under the order. In arriving at the aggregate amount involved in any one transaction, there must be included all items which should properly be grouped together. Reasonable competition shall be obtained and shall be evidenced by submission of price quotations.

- 2) Subagreements for small purchases need not be in the form of a bilaterally executed written agreement. Where appropriate, unilateral purchase orders, sales slips, memoranda of oral price quotations, and the like may be utilized in the interest of minimizing paperwork. Retention in the purchase files of these documents and of written quotations received, or references to written catalogs or printed price lists used, will suffice as the record supporting the price paid.

n) Agency Review of Subagreements

The Agency retains the right to review and approve in accordance with this Part any subagreement to be entered into by the grantee in furtherance of the administration of the grant prior to execution of that subagreement. The Agency shall approve a subagreement only if the grantee demonstrates that the subagreement is in conformance with subsection (j).

o) Award of Subagreement

After review and approval by the Agency if required pursuant to subsection 871.302(h), the grantee may award the contract. Unsuccessful candidates shall be notified promptly.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 871.303 Compliance With Procurement Requirements

a) Grantee responsibility

The grantee is responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of state, or local laws or ordinances, as well as the specific requirements of state and federal law or this grant agreement directly affecting the procurement (for example, the non-restrictive specification requirement or the equal employment opportunity requirement) and for the initial resolution of complaints based upon alleged violations. If complaint is made to the Agency concerning an alleged violation of any law or of this grant agreement in the procurement of services or materials for a project, the

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complaint will be referred to the grantee for resolution. The grantee shall promptly determine each such complaint upon its merits permitting the complaining party as well as any other interested party who may be adversely affected, including bidders on the contract in question, to state in writing or at a conference the basis for his views concerning the proposed procurement. The grantee must promptly furnish to the complaining party and to other affected parties who participated in the conference or submitted written comments, by certified mail, a written summary of its determination, substantiated by an engineering and legal opinion, providing a justification for its determination.

b) Arbitration

Disputes between the grantee and any party adversely affected by the determination of the grantee made pursuant to subsection (a) above shall be resolved by binding arbitration by a single arbitrator, in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. (140 W. 51st Street, N.Y., N.Y., 10020, 1986) (This incorporation contains no further amendments or additions.) This agreement to arbitrate shall be specifically enforceable under the Uniform Arbitration Act (Ill. Rev. Stat. 1985, ch. 10, par. 101 et seq.). The award rendered by the arbitrator shall be final, and judgement may be entered upon it in any court having jurisdiction thereof. A copy of the arbitration award shall be provided to the Agency immediately upon its issuance.

c) Time limitations

Complaints pursuant to subsection (a) above shall be made as early as possible during the procurement process, preferably prior to issuance of an invitation for bids to avoid disruption of the procurement process: Provided, That a complaint authorized by subsection (a) above must be mailed by certified mail (return receipt requested), or delivered, no later than five working days after the bid opening. A request for arbitration pursuant to subsection (b) above must be made to the American Arbitration Association within one week after the complaining party received the grantee's adverse determination.

d) Deferral of procurement action

Where the grantee has received a written complaint pursuant to subsection (a) above, it must defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for ten days after mailing or delivery of any written adverse determination. If a determination is made by either the grantee or the arbitrator which is favorable to the complainant, the terms of the solicitation must be revised or the contract must be awarded (as appropriate) in accordance with such determination.

e) Enforcement

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Noncompliance with the provisions of this grant affecting procurement will result in:

- 1) Total or partial termination of the grant pursuant to Section 871.203; or
- 2) Ineligibility for grant assistance which could otherwise be awarded under this grant; or
- 3) Disallowance of project costs incurred in violation of the provisions of this grant offer or applicable laws, as determined by the Agency.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 871.305 Indemnity

The grantee shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the grantee, the Agency or third persons, and any injury to or death of any persons (including employees of the grantee) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of this grant, and the grantee shall indemnify, save harmless and defend the State of Illinois and the Agency from all claims for any such loss, damage, injury or death whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise consistent with the provisions of "AN ACT in relation to indemnity in certain contracts" (Ill. Rev. Stat. 1985, ch. 29, par. 61 et seq.). The grantee shall require that any and all contractors or subcontractors engaged by the grantee shall agree in writing that they shall look solely to the grantee for performance of such contract or satisfaction of any and all claims arising thereunder.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION AND AMENDMENT

Section 871.402 Project Changes

- a) Prior approval by the Agency is required for project changes which may:

- 1) Increase the amount of State funds needed to complete the project, except that no change will be approved which either exceeds the grant offered or which exceeds the limitation provided for approvable contingencies; or
- 2) Alter the scope of the project by changing the methodologies or personnel to be used, as agreed to at the time of the grant award; or

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- 3) Extend any contractual or grant completion date for the project.

b) The grantee shall notify the Agency in writing three weeks prior to the effective date of all proposed project changes. Failure on the part of the grantee to give timely notice of proposed project changes or disapproval of a proposed project change by the Agency may, in accordance with Section 871.201, result in:

- 1) Disallowance of costs incurred which are attributable to the change; or
- 2) Termination of the grant.

c) The Agency may disapprove proposed project changes by written notice to the grantee within 3 weeks after receipt of a written notice of a proposed change; however, neither approval nor failure to disapprove a project change shall commit or obligate the State of Illinois or the Agency to any increase in the amount of the grant or payments thereunder and nothing herein shall operate to increase the amount of the grant.

d) Notwithstanding the provisions of subsections (a)-(c) above, prior Agency approval is not required for changes having a cost of less than \$500.00. The total cost for all changes allowable under this provision shall not exceed one-half of one percent of the total grant offer.

e) In addition to the notification of project changes pursuant to subsections (a)-(c) above, a copy of any prime contract or modification thereof and of revisions to plans and specifications must be submitted to the Agency for approval within one week of execution; however, neither approval nor failure to approve any prime contract or modification thereof or revisions to plans and specifications shall commit or obligate the State of Illinois or the Agency to any increase in the amount of the grant or payments thereunder.

f) The Agency will approve project changes if the grantee can make a showing that:

- 1) The original project cost approval was based on estimated costs or contractor bids where the actual costs or contractor bids were different;
- 2) Amendments to state statutes affect the project cost;
- 3) A project element was inadvertently omitted; or

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- 4) An approved project element was found to be unnecessary.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART E: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section 871.503 Reports

The grantee shall prepare and file with the Agency a final report containing the information required by 35 Ill. Adm. Code 870.207 and progress-and-financial-reports-as-required-by-the-grant-award-all reports required by Section 870.305. Failure to timely submit reports required by this grant offer may result in:

- a) Withholding of grant funds;
 - b) Suspension of the grant pursuant to Section 871.202;
 - c) Termination of the grant pursuant to Section 871.203; or
 - d) Such other action as the Agency may be authorized to take.
- (Source: Amended at ___ Ill. Reg. ___, effective ___)

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- 1) Heading of the Part: Procedures for Operation of the Non-Hazardous Solid Waste Fee System

- 2) Code Citation: 35 Ill. Adm. Code 858

- | 3) <u>Section Numbers</u> | <u>Proposed Action</u> |
|---------------------------|------------------------|
| 858.201 | Amend |
| 858.202 | Amend |
| 858.401 | Amend |

- 4) Statutory Authority: Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.15).

- 5) A Complete Description of the Subject and Issues Involved: These amendments involve corrections of typographical and clerical errors and only non-substantive changes will be made.

- 6) Will this Proposed Amendment replace an Emergency Rule currently in effect? No.

- 7) Does this Rulemaking contain an Automatic Repeal Date? No.

- 8) Does this Proposed Amendment contain Incorporations by Reference? No.

- 9) Are there other Proposed Amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: These amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat., ch. 85, par. 2203(b)).

- 11) Time, place and manner in which interested persons may comment on this Rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing by no later than 45 days after publication of this notice to:

Mark V. Gurnik
Enforcement Programs
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 1990

- B) Types of small businesses affected: None affected. These amendments will not change the responsibilities of any businesses.

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C) Reporting, bookkeeping or other procedures required for compliance:
No effect.

D) Types of professional skills necessary for compliance: none.

The full text of the proposed amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 858

PROCEDURES FOR OPERATION OF THE
NON-HAZARDOUS SOLID WASTE FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

Section
858.101
858.102
858.103
858.104
858.105
858.106
858.107

Applicability
Definitions
Exemptions from Fee System
Retention of Records
Certification
Severability
Landfills Maintaining Records under Subparts B and C

SUBPART B: PROCEDURES FOR MAINTAINING
RECORDS WHERE THE QUANTITY OF WASTE HAS BEEN WEIGHED

Section
858.201
858.202
858.203
858.204
858.205
858.206
858.207
858.208

Applicability
Records
Daily Solid Waste Record
Quarterly Solid Waste Summary
Supplemental Solid Waste Record
Monthly Solid Waste Record
Quarterly Solid Waste Summary
Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary

SUBPART C: PROCEDURES FOR MAINTAINING
RECORDS WHERE THE QUANTITY OF WASTE
HAS NOT BEEN WEIGHED

Section
858.301
858.302
858.303
858.304
858.305
858.306
858.307
858.308
858.309
858.310

Applicability
Records
Daily Solid Waste Record
Quarterly Waste Summary
Supplemental Solid Waste Record
Measurement
Monthly Solid Waste Record
Quarterly Solid Waste Summary
Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary
Measurement

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SUBPART D: PROCEDURES FOR PAYMENT OF FEES

Section 858.401 Quarterly Submission of Payment
858.402 Manner of Payment

AUTHORITY: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.15).

SOURCE: Emergency Rules adopted at 11 Ill. Reg. 1668, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9605, effective May 15, 1987; Sections 858.204, 858.205, 858.304, 858.305 and 858.306 recodified to Sections 858.207, 858.208, 858.308, 858.309 and 858.310, respectively, at 13 Ill. Reg. 5945; amended at 13 Ill. Reg. 17428, effective October 31, 1989; amended at 11 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART B: PROCEDURES FOR MAINTAINING RECORDS WHERE
THE QUANTITY OF WASTE HAS BEEN WEIGHED

Section 858.201 Applicability

The requirements of this Subpart apply to sanitary landfills where THE OWNER OR OPERATOR WEIGHS THE QUANTITY OF SOLID WASTE RECEIVED WITH A DEVICE FOR WHICH CERTIFICATION HAS BEEN OBTAINED UNDER THE WEIGHTS AND MEASURES ACT (Ill. Rev. Stat. 19867, ch. 147, pars. 101 et seq.)(Section 22.15(b)(1) of the Act). (Source: Amended at 11 Ill. Reg. _____, effective _____)

Section 858.202 Records

a) The operator of a sanitary landfill shall keep a record of solid waste received at the landfill. The operator shall keep the following records:

- 1) Daily Solid Waste Record;
- 2) Monthly Solid Waste Record; and
- 3) Quarterly Solid Waste Summary.

b) Each Monthly Solid Waste Record and Quarterly Solid Waste Summary submitted to the Agency shall be in a form as prescribed by the Agency.

c) Operators and/or landfills annually receiving more than 150,000 cubic yards of waste subject to these rules shall elect to submit each Monthly Solid Waste Record and each Quarterly Solid Waste Summary and

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fee payment on the basis of weight (i.e., pursuant to Subpart B) of this Part or on the basis of volume (i.e., pursuant to Subpart C of this Part).

(Source: Amended at 11 Ill. Reg. _____, effective _____)

SUBPART D: PROCEDURES FOR PAYMENT OF FEES

Section 858.401 Quarterly Submission of Payment

a) Payment of the fee due under Section 22.15 of the Act shall be made on a quarterly basis with the submission of the Quarterly Solid Waste Summary. Such payment shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three calendar months preceding the receipt date.

b) For sanitary landfills subject to Subpart B, the fee payment due shall be calculated by multiplying the quantity of solid waste received in tons weighed which are subject to the fee payment provisions as reported on the Quarterly Solid Waste Summary times the applicable rate in Section 22.15 of the Act.

c) For sanitary landfills subject to Subpart C, the fee payment due shall be calculated as follows unless otherwise calculated pursuant to subsection (g):

1) For payments due on April 15, July 15 and October 15:

A) Since the fee schedule is based on amount of cubic yards, if both tons and cubic yards are reported, the quantity of solid waste permanently disposed in tons weighed shall be converted to cubic yards. Use the total cubic yards amount (the cubic yard quantity received plus the corrected tons) to determine the applicable fee. The solid waste measured in tons subject to Subpart B should be converted to cubic yards using either an Agency standard rate of 3.3 cubic yards-to-ton conversion ratio or the site's actual rate that best reflects the site's conversion ratio. After determining the cubic yard quantity of waste subject-to-fee, multiply the quantity of solid waste subject to the fee payment provisions as reported on the Quarterly Solid Waste Summary for the preceding three calendar months by 4.

B) Based on subsection (c)(1)(A), determine the applicable category under Section 22.15 of the Act.

C) Based on subsection (c)(1)(B), divide the annual fee by 4.

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2) For payments due January 15:

A) Based on the quantity permanently disposed during the previous calendar year determine the applicable category under Section 22.15 of the Act.

B) Subtract the amount paid for the first, second and third quarters from the annual fee determined under (c)(1)(A).

d) If the calculation of fees under this Section results in an overpayment, the Agency shall credit this overpayment against fees due during the subsequent calendar year.

e)

1) Each sanitary landfill shall notify the Agency by January 15 if it intends to cease receipt of waste during the calendar year. The notification shall include:

A) The date by which waste will cease to be received; and

B) A fee payment schedule to assure submission of fees in accordance with Section 22.15 of the Act.

2) The Agency shall review the fee payment schedule to determine if it will result in an underpayment or overpayment and will notify the operator within 30 days of any deficiencies or overpayments under the schedule.

f)

1) Each sanitary landfill which intends to begin receipt of waste shall notify the Agency no less than 90 days prior to beginning the receipt of waste. The notification shall include:

A) The data by which waste will begin to be received; and

B) A fee payment schedule to assure submission of fees in accordance with Section 22.15 of the Act.

2) The Agency shall review the fee payment schedule to determine if it will result in an underpayment or overpayment and will notify the operator within 30 days of any deficiencies or overpayments under the schedule.

g) The fee payment due January 15 shall be determined, in all cases, pursuant to paragraph subsection (c)(2) of this Section; however, the fee payment due on April 15, July 15 and October 15 for landfills

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subject to Subpart C may be calculated as follows, provided that the owner or operator has demonstrated that calculating such fee payments according to the subsection (c)(1) will result in an overpayment, and provided that the owner or operator has applied in writing for Agency approval of an alternative fee payment schedule pursuant to this subsection by February 1 of each year which application has not been denied by March 30:

- 1) Utilizing historical or other relevant area-specific or facility-specific data, estimate the annual volume of wastes subject to the fees imposed under this Section which will be received at the site;
- 2) Determine the appropriate annual fee for such estimated volume of wastes pursuant to Section 22.15 of the Act;
- 3) At the end of each of the first 3 quarters of the calendar year, divide the actual volume of waste received during that quarter subject to the fees imposed under this Section by the annual waste volume estimated pursuant to paragraph subsection (g)(1);
- 4) Multiply the result of subsection (g)(3) by the annual fee determination pursuant to paragraph subsection (g)(2): the product of this step is the appropriate fee payment for the quarter;

AGENCY NOTE: The purpose of this subparagraph subsection (g) is to allow owners or operators of landfills receiving widely fluctuating event/cyclical quarterly waste volumes (e.g., landfills whose operations are subject to seasonal variations in waste volumes received) to prevent extreme overpayments or underpayments for the first three quarters of each year. Extreme overpayments are the greater concern, inasmuch as the Agency is empowered only to grant credits against the next year's fee obligation; refunds of excess payments are not authorized.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Exempt Sale of Insurance Company Shares
- 2) Code Citation: 50 Ill. Adm. Code 907
- 3) Section Numbers: Proposed Action:
907.30 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, pars. 632, 644, 759.1(3)(e) and 1013.
- 5) A Complete Description of the Subjects and Issues Involved:
P.A. 84-502 effective September 17, 1985, amended the language of §147.1 the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 759.1), which provided the statutory authority to make Part 907 applicable to all foreign or alien stock companies. The purpose of this proposed amendment is to delete a regulatory requirement that no longer has a statutory authority.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 W. Washington, 4th Floor
Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1987, ch. 127, par. 1003.10.

The full text of the Proposed Amendment begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 907
EXEMPT SALE OF INSURANCE COMPANY SHARES

Section
907.10
907.20
907.30
907.40
907.50
907.60
907.70

Authority
Definition of Shares
Applicability
Exempt Transactions
Private Sale
Dealer Trading
Approved Stock Option Plans

AUTHORITY: Implementing Sections 20, 32, and 147.1(3)(e) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 632, 644, 759.1(3)(e) and 1013).

SOURCE: Adopted at 4 Ill. Reg. 25, p. 202, effective June 13, 1980; codified at 7 Ill. Reg. 4213; amended at _____ Ill. Reg. _____, effective _____.

Section 907.30 Applicability

This Rule shall apply to the sale of shares of:

a) ~~all-foreign-or-alien-stock-companies-which-have-been continuously-in-business-as-such-for-more-than-ten years-and-are-authorized-to-transact-their-business-in this-State;-and~~

b) a) all domestic stock companies.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Licensing of Public Adjusters

2) Code Citation: 50 Ill. Adm. Code 3118

Section Numbers	Proposed Action
3118.10	Amend
3118.30	Repeal
3118.40	Repeal
3118.60	Amend
3118.70	Repeal
3118.80	Amend
3118.100	Repeal
3118.110	Repeal

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 73, pars. 1065.59-51 et seq. and Ill. Rev. Stat. 1989, ch. 73, par. 1013.

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this Part is to implement statutory changes made to the Public Adjuster Regulatory Act and to clarify and correct the language of the existing Rule to reflect these statutory changes by repealing Sections 3118.30, 3118.40, 3118.70, 3118.100 and 3118.110 and amending Sections 3118.10, 3118.60 and 3118.80. The amendments correct statutory citations and make minor changes in language.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1989, ch. 127, par. 1003.10.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3118
LICENSING OF PUBLIC ADJUSTERS

Section	Authority
3118.10	Purpose and Scope
3118.20	Engaged-in-the-Business-of-Adjusting-Insurance-Claims (Repealed)
3118.30	Valuation-Consideration (Repealed)
3118.40	Records Material
3118.50	Grandfather License Provisions
3118.60	Nonresident-Public-Adjusters (Repealed)
3118.70	Filing of Contract Forms
3118.80	Filing of Rate Schedule of Charges for Services
3118.90	Maintenance-of-Records (Repealed)
3118.100	Performance-Standards-Applicable-to-All-Public Adjusters (Repealed)
3118.110	Hearings
3118.120	Severability
3118.130	

AUTHORITY: Implementing the Public Adjuster Regulatory Act, Section 512.51 et seq. of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1065.59-51 et seq.) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013)).

SOURCE: Adopted and codified at 6 Ill. Reg. 14622, effective November 16, 1982; amended at ____ Ill. Reg. _____, effective _____.

Section 3118.10 Authority

This Rule is promulgated by the Director of Insurance under Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013) which empowers the Director "... to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. This Rule implements the Public Adjuster Regulatory Act, Section 512.51 et seq. of the Illinois Insurance Code (Ill. Rev. Stat.

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19817, ch. 111 73, par. 751 1065.59-51 et seq.).

(Source: Amended at Ill. Reg. , effective .)

~~Section 3118.30--Engaged-in-the-Business-of-Adjusting-Insurance Claims (Repealed)~~

a) ~~As-used-in-the-Act, engaged-in-the-business-of-adjusting-insurance-claims-shall-mean-anyone-who-agrees-to represent-the-insured-with-an-insurer-for-compensation and-while-representing-that-insured-negotiates-values, damages, depreciation-and-applies-the-loss-circumstances-to-policy-provisions.~~

b) ~~For-the-purpose-of-this-Rule, compensation-shall include, but-not-be-limited-to, the-following:~~

- ~~1) percentage-of-the-loss-recovery.~~
- ~~2) assignment-of-the-insurance-proceeds.~~
- ~~3) any-agreement-which-would-include-the-name-of-the representor-on-the-proceeds.~~

4) ~~any-agreement-to-make-repairs-prior-to-the-determination-of-the-proceeds-payable-under-the-insurance policy.~~

(Source: Repealed at Ill. Reg. , effective .)

~~Section 3118.40--Valuable-Consideration (Repealed)~~

~~As-used-in-the-Act, valuable-consideration-shall-not-include emergency-services-(e.g., restoration-and-board-up)-or-commencement-of-repairs-prior-to-payment-of-the-proceeds-payable-under-the-insurance-policy.~~

(Source: Repealed at Ill. Reg. , effective .)

Section 3118.60 Grandfather License Provisions

- a) For the purpose of implementing the Act, any persons engaged in the business as a public adjuster prior to

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the effective date of the Act will be issued a license pursuant to Section 4(c) of the Act. Being engaged in the business as a public adjuster shall mean any person who has adjusted or has participated in the adjustment of a minimum of twelve (12) insurance claims for insureds in the State of Illinois between the period from September 3, 1981 through June 30, 1982.

- b) Any persons whose application to qualify under the grandfather provision is received subsequent to January 1, 1983, shall be subject to a written examination and interrogatories as provided in Section 4(c) of the Act.

(Source: Amended at Ill. Reg. , effective .)

~~Section 3118.70--Nonresident-Public-Adjusters (Repealed)~~

a) ~~The-Director-shall-license-nonresident-applicants-of-Illinois-as-public-adjusters-if-the-applicant's-state-of-residence-affords-equivalent-treatment-to-Illinois residents.~~

b) ~~Nonresident-applicants-must-file-a-completed-application--the-requisite-fee-and-a-verification-of-good standing-as-a-public-adjuster-from-his/her-state-of residence--The-verification-of-good-standing-must indicate-if-the-applicant-has-passed-a-written-examination--if-the-applicant-has-not-passed-a-written examination-in-the-state-of-residence, the-Director shall-require-the-applicant-to-pass-such-an-examination in-Illinois.~~

(Source: Repealed at Ill. Reg. , effective .)

Section 3118.80 Filing of Contract Forms

- a) Each public adjuster shall file with and secure the approval of the Director of Insurance of each form of contract before it is used in the State of Illinois.
- b) Each contract form filing submitted for approval must be accompanied by a forms submission letter, in duplicate, which must include:

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- 1) the name of the public adjuster making the filing.
- 2) the title, form number, and edition identification of the form(s).
- 3) notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings as well as identification of all superseded forms is required.
- 4) the effective date of use.

c) Each control form filing submitted for approval must:

- 1) be submitted in duplicate.
- 2) have printed at the head of the contract form the name of the public adjuster, and the location and telephone number of the public adjuster's principal place of business. Unless located in a rural area which does not use street address, Post Office Box (P.O. Box) addresses are not permitted unless the street address is also included.
- 3) be identified by a descriptive title, form number and edition identification number. The form number must appear in the lower left-hand corner of the contract form to be approved.
- 4) in addition to the requirements of Ill. Rev. Stat. 1981, ch. 29, par. 81 each contract form must include the following:

"Pursuant to the Public Adjustor Regulatory Act, Section 512.51 et seq. of the Illinois Insurance Code, (Ill. Rev. Stat. 1981, ch. 111, par. 751 1065.59-51 et seq.) a contract which is executed within 5 days after the conclusion of the loss-producing occurrence shall be voidable at the option of the insured for 10 days after execution of the contract. The written contract shall constitute the entire agreement between the public adjuster and the insured."

- 5) have highlighted all changes from currently filed forms. Any changes not highlighted will not be

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deemed filed.

- 6) be made out in "John Doe" fashion, exactly as it is to be presented to an insured, except for any variable material.
- 7) be submitted in final printed form. Typed or printer's proof copies may be submitted for review, but must be refiled in final printed form.
- 8) be printed in not less than ten-point type.

d) Where contract forms submitted by a partnership, association or corporation will be used by other public adjusters engaged or employed by such partnership, association or corporation, the forms submission letter must, in addition to meeting the other requirements of this Section, include the following information concerning the public adjuster(s) who will use such forms:

- 1) name
- 2) license identification number
- e) Contract forms shall not include:
 - 1) hold harmless agreements that provide indemnification to the public adjuster by the insured resulting from the public adjuster's negligence.
 - 2) power-of-attorney by which the public adjuster can act in the place and instead of the insured as his attorney-in-fact.

(Source: Amended at Ill. Reg. _____, effective _____.)

Section 3118.100--Maintenance-of-Records (Repealed)

All public-adjusters shall maintain a complete record of each of their transactions as a public adjuster.

a) The records required by this section shall include:

- i) name of the insured

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- 2) date, location and amount of loss
- 3) copy of the contract between the adjuster and insured
- 4) name of the insurer, amount, expiration date and number of each policy carried with respect to the loss
- 5) itemized statement of the recoveries by the insured from the sources known to the adjuster
- 6) name of the public adjuster who secured the contract from the insured as well as date and time when solicited;
- 7) the total compensation received for the adjustment and the amount of commission, salary or other compensation paid to each representative of the public adjuster in connection with the transaction. For the purpose of this subsection, salary shall mean the entire yearly salary paid to the representative.
- b) Records shall be maintained for at least three years after the termination of the transactions with an insured and shall be open to examination by the Director at any time during the three year period.
- e) A public adjuster shall not divulge information regarding his loss file to any party without prior written consent from the insured, except the insurance company, the Department of Insurance, or upon receipt of appropriate legal documents.
- d) Where a public adjuster is engaged or employed by a partnership, association or corporation, the maintenance of records required by this Section may be maintained by such partnership, association or corporation on behalf of the public adjuster.

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

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Section 3118-110--Performance Standards-Applicable to All Adjusters (Repealed)

- a) A public adjuster shall not represent that he is a representative of an insurance company, a governmental body or agency thereof (e.g., fire department) or that he is a fire investigator or that his services are required if the insured is to submit his claim to the insurance company.
- b) A public adjuster shall not conclude any losses without the knowledge and consent of the insured.
- e) If the public adjuster refers the insured to the public adjuster's contractor, the public adjuster warrants that repairs will be made in a workmanlike manner. Should the work subsequently be determined not to have been completed in a workmanlike manner, then the public adjuster who referred the insured to the contractor shall incur any and all reasonable costs to conclude repairs in a workmanlike manner.
- d) A public adjuster shall not solicit or attempt to solicit a loss between the hours of 7:00 p.m. or 8:00 a.m. nor on Saturdays, Sundays or holidays but may provide emergency services upon the request of the insured for such emergency services.
- e) Where proceeds paid by an insurance company are paid jointly to the insured and the public adjuster shall release such portion of the proceeds which are due the insured within thirty (30) calendar days after receipt of the insurance company's check, money order or bank draft. If the proceeds are not released to the insured within this time period, the public adjuster shall provide the insured and the Illinois Department of Insurance with a written explanation of the reason for the delay. Any unreasonable delay in the release of such proceeds shall be sufficient cause for the Department to take disciplinary action against the public adjuster.

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

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1) Heading of the Part: DEFINITIONS AND GENERAL PROVISIONS2) Code Citation: 35 Ill. Adm. Code 2113) Section Numbers: Proposed Action:

211.122 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1009, 1010, and 10275) A Complete Description of the Subjects and Issues Involved:

Abbott Laboratories' filed with the Pollution Control Board, on a joint motion with the Illinois Environmental Protection Agency, a Fourth Amended Proposal for amendments to 35 Ill. Adm. Code 211 and 215 on May 8, 1990. This follows a similar filing of an Amended Petition and for expedited hearing on December 4, 1989 (proposed by the Board for First Notice on January 25, 1990 and published February 23, 1990, at 14 Ill. Reg. 2766) and a Third Amended Proposal on April 23, 1990. On April 26, 1990, the Board granted Abbott's motion for expedited proceeding and directed the hearing officer to schedule hearings. On May 10, 1990, the Board granted leave to file the Fourth Amended Proposal and proposed amendments substantially identical to those contained in that proposal. The Board has scheduled public hearings for June 27, 1990 in Chicago and June 28, 1990 in Waukegan on the Fourth Amended Proposal and the proposed amendments.

The Board proposed Abbott's amended proposal for first notice in order to begin the Administrative Procedure Act rulemaking process. However, the Board takes no position on the merits of the proposal at this time. The Board's action today is taken to effectuate the publication of the proposal in the Illinois Register.

For a description of the subjects and issues involved, the Board will set out Abbott's statement of reasons submitted with its original proposal on May 3, 1988. The Board notes that this description relates to the original proposal; however, on December 4, 1989 and April 23 and May 8, 1990, Abbott filed amended proposals. It is the proposed amendments as based on the Fourth Amended Proposal that appears below. Although the three proposals are generally similar, the reader is advised to contact the Clerk's Office if he or she is interested in comparing them.

Abbott's May 3, 1988 statement of reasons stated as follows:

Abbott owns and operates two separate manufacturing plants located approximately five miles apart in Lake County, Illinois. The North

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Chicago site is located in the city of North Chicago, and the other site, Abbott Park, is located in an unincorporated area in Libertyville Township. Abbott's North Chicago facility occupies approximately 56 acres of land containing over 30 separate building structures. The surrounding area is mixture of residential and industrial area. The complex is devoted to fermentation facilities, hospital products manufacturing, synthetic pharmaceutical production, laboratory and pilot plant research and development, and administrative offices.

The Abbott Park facility, which occupies approximately 500 acres of land, is devoted to administrative offices, laboratory research and development, diagnostic kit assembly and pharmaceutical production. It is in a mostly rural area with farmland or a tollway on all sides except to the east which is a mixture of residential and very light industrial areas.

At the North Chicago facility, Abbott manufactures both synthesized pharmaceutical products (CTG products) and fermentation-based pharmaceutical products (non-CTG products) in bulk form. Unit operations at North Chicago typically consist of reactors, liquid-liquids extractors, crystallizers, distillation columns, centrifuges, filters, vacuum blender dryers, vacuum dryers and fluidized bed air dryers. Production is typically performed in batches, with batch times for individual process steps ranging from less than one hour to as much as 48 hours.

Volatile organic materials utilized at the North Chicago plant include ethanol, methanol, isopropanol, acetone, amyl acetate and others in less significant quantities. The production and associated air pollution control equipment must be specially designed and constructed to withstand a very wide range of operating conditions, including temperature, pressure, acids, alkalis and solvents. Production is highly variable since demand is driven primarily by the worldwide health care market and by inventory maintenance requirements.

At the Abbott Park facility the final dosage forms of Abbott's pharmaceutical products are prepared from the bulk products which have been manufactured at North Chicago or purchased elsewhere. Unit operations consist of mixers, massers, granulators, blenders, air tray dryers, fluidized bed dryers, tablet coaters and a particle coater. Ethanol is the only VOM utilized in these operations which requires control.

Both of Abbott's plants are located in an area designated as nonattainment for ozone. Abbott retained EPA incorporated to assess the environmental impact of emissions from Abbott's two plants. Mr. Jay Norco, President of EPA, testified at the September 22, 1987 hearing in R86-10, that the effect of the then-proposed rules (which required

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considerable greater reductions than the adopted rules) would cause only a minuscule change in ozone concentrations. In fact, if all of Abbott's present level of emissions from Abbott Park and North Chicago (131.4 tons/year) were eliminated, there would be negligible effect on regional ambient ozone levels.

SECTION BY SECTION ANALYSIS

Section 211.122: The only significant change from the present rules is that set forth in the final sentence of the definition of "Production Equipment Exhaust System." This language was originally drafted by the Agency and Abbott believes it should have been incorporated into the definition in that laboratory hoods, roof monitors and general building exhausts have very high air volumes, would emit very low levels of VOMs and would be unreasonably expensive to control. Abbott believes that the intent of this definition is simply to control those portions of the exhaust system which are directly associated with process pick-up exhaust, and laboratory hoods, roof monitors and general building exhaust do not fall within that category.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
211.122	Amendments	14 Ill. Reg. 2766, February 23, 1990

10) Statement of Statewide Policy Objectives:

The Board does not expect that this proposal will require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues. Therefore, the Board does not believe that this rule will create or enlarge a mandate subject to the State Mandates Act, Ill. Rev. State. ch 85, Sec. 2201 et seq.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-14 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions

Appendix A Rule into Section Table
Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1009, 1010 and 1027, as amended by P.A. 86-366, effective January 1, 1990).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16 at 14 Ill. Reg. , effective May , 1990; amended in R88-14 at 14 Ill. Reg. , effective

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SUBPART B: DEFINITIONS

Section 211.122 Definitions

"Accelacota": a pharmaceutical coating operation which consists of a horizontally rotating perforated drum in which tablets are placed, a coating is applied by spraying and the coating is dried by the flow of air across the drum through the perforations.

"Accumulator": The reservoir of a condensing unit receiving the condensate from a surface condenser.

"Acid Gases": For the purposes of Section 9.4 of the Environmental Protection Act (the Act) (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, par. 1009.4), hydrogen chloride, hydrogen fluoride and hydrogen bromide, which exist as gases, liquid mist, or any combination thereof.

"Actual Heat Input": The quantity of heat produced by the combustion of fuel using the gross heating value of the fuel.

"Aeration": The practice of forcing air through bulk stored grain to maintain the condition of the grain.

"Afterburner": A device in which materials in gaseous effluents are combusted.

"Air Dried Coating": Coatings that dry by the use of air or forced air at temperatures up to 363.15° K (194° F).

"Air suspension coater/dryer": a pharmaceutical coating operation which consists of vertical chambers in which tablets or particles are placed, and a coating is applied and then dried while the tablets or particles are kept in a fluidized state by the passage of air upward through the chambers.

"Annual Grain Through-Put": Unless otherwise shown by the owner or operator, annual grain through-put for grain-handling operations, which have been in operation for three consecutive years prior to June 30, 1975, shall be determined by adding grain receipts and shipments for the three previous fiscal years and dividing the total by 6. The annual grain through-put for grain-handling operations in operation for less than three consecutive years prior to June 30, 1975, shall be determined by a reasonable three-year estimate; the owner or operator shall document the reasonableness of his three-year estimate.

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"Architectural Coating": Any coating used for residential or commercial buildings or their appurtenances, or for industrial buildings which is site applied.

"Asphalt": The dark-brown to black cementitious material (solid, semisolid or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Asphalt Prime Coat": A low-viscosity liquid asphalt applied to an absorbent surface as the first of more than one asphalt coat.

"Automobile": Any first division motor vehicle as that term is defined in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars 1-100 et seq.).

"Automobile or Light-Duty Truck Manufacturing Plant": A facility where parts are manufactured or finished for eventual inclusion into a finished automobile or light-duty truck ready for sale to vehicle dealers, but not including customizers, body shops and other repainers.

"Automobile or Light Duty Truck Refinishing": the repainting of used automobiles or light duty truck.

"Batch Loading": The process of loading a number of individual parts at the same time for degreasing.

"Bead-Dipping": The dipping of an assembled tire bead into a solvent-based cement.

"British Thermal Unit": The quantity of heat required to raise one pound of water from 60° F to 61° F (abbreviated btu).

"Bulk Gasoline Plant": Any gasoline storage and distribution facility that receives gasoline from bulk gasoline terminals by delivery vessels and distributes gasoline to gasoline dispensing facilities.

"Bulk Gasoline Terminal": Any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, and distributes gasoline to bulk gasoline plants or gasoline dispensing facilities.

"Can Coating": The application of a coating material to a single walled container that is manufactured from metal sheets thinner than 29 gauge (0.0141 in).

"Certified Investigation": A report signed by Illinois Environmental Protection Agency (Agency) personnel certifying whether a grain-handling operation (or portion thereof) or grain-drying operation is causing or tending to cause air pollution.

Such report must describe the signatory's investigation, including a summary of those facts on which he relies to certify whether the grain-handling or grain-drying operation is causing or threatening or allowing the discharge or emission of any contaminant into the environment so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board (Board) under the Environmental Protection Act (Act). The certified investigation shall be open to a reasonable public inspection and may be copied upon payment of the actual cost of reproducing the original.

"Choke Loading": That method of transferring grain from the grain-handling operation to any vehicle for shipment or delivery which precludes a free fall velocity of grain from a discharge spout into the receiving container.

"Cleaning and Separating Operation": That operation where foreign and undesired substances are removed from the grain.

"Clear Coating": Coatings that lack color and opacity or are transparent using the undercoat as a reflectant base or undertone color.

"Closed Purge System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport liquid or vapor from a piece or pieces of equipment to a control device, or return the liquid or vapor to the process line.

"Closed Vent System": A system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device, or return the gas or vapor to the process line.

"Coal Refuse": Waste products of coal mining, cleaning and coal preparation operations containing coal, matrix material, clay and other organic and inorganic material.

"Coating Applicator": Equipment used to apply a surface coating.

"Coating Line": An operation where a surface coating is applied to a material and subsequently the coating is dried and/or cured.

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"Coating Plant": Any building, structure or installation that contains a coating line and which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

"Coil Coating": The application of a coating material to any flat metal sheet or strip that comes in rolls or coils.

"Cold Cleaning": The process of cleaning and removing soils from surfaces by spraying, brushing, flushing or immersion while maintaining the organic solvent below its boiling point. Wipe cleaning is not included in this definition.

"Complete Combustion": A process in which all carbon contained in a fuel or gas stream is converted to carbon dioxide.

"Component": Any piece of equipment which has the potential to leak volatile organic material including, but not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, pressure relief devices, process drains and open ended valves. This definition excludes valves which are not externally regulated, flanges, and equipment in heavy liquid service. For purposes of 35 Ill. Adm. Code 215. Subpart Q, this definition also excludes bleed ports of gear pumps in polymer service.

"Concentrated Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration equal to or greater than 70 percent by weight.

"Condensate": Hydrocarbon liquid separated from its associated gases which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

"Control device": Equipment, such as an afterburner, adsorber, scrubber, condenser, cyclone or baghouse used to remove or prevent the emission of air pollutants from a contaminated exhaust stream. For purposes of 35 Ill. Adm. Code 215. Subpart Q, an enclosed combustion device, vapor recovery system, flare, or closed container.

"ConveyORIZED Degreasing": The continuous process of cleaning and removing soils from surfaces utilizing either cold or vaporized solvents.

"Crude Oil": A naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

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"Crude Oil Gathering": The transportation of crude oil or condensate after custody transfer between a production facility and a reception point.

"Custody Transfer": The transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"Cutback Asphalt": Any asphalt which has been liquified by blending with petroleum solvents other than residual fuel oil and has not been emulsified with water.

"Degreaser": Any equipment or system used in solvent cleaning.

"Delivery Vessel": Any tank truck or trailer equipped with a storage tank that is used for the transport of gasoline to a stationary storage tank at a gasoline dispensing facility, bulk gasoline plant or bulk gasoline terminal.

"Distillate Fuel Oil": Fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil A.S.T.M. D-369-69 (1971).

"Dry Cleaning Facility": A facility engaged in the cleaning of fabrics using an essentially nonaqueous solvent by means of one or more solvent washes, extraction of excess solvent by spinning and drying by tumbling in an airstream. The facility includes, but is not limited to, washers, dryers, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

"Dump-Pit Area": Any area where grain is received at a grain-handling or grain-drying operation.

"Effective Grate Area": That area of a dump-pit grate through which air passes, or would pass, when aspirated.

"Effluent Water Separator": Any tank, box, sump or other apparatus in which any organic material floating on or entrained or contained in water entering such tank, box, sump or other apparatus is physically separated and removed from such water prior to outfall, drainage or recovery of such water.

"Emission Rate": Total quantity of any air contaminant discharge into the atmosphere in any one-hour period.

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"Enclose": with respect to Subpart T, to cover any volatile organic liquid surface that is exposed to the atmosphere.

"End Sealing Compound Coat": A compound applied to can ends which functions as a gasket when the end is assembled on the can.

"Excess Air": Air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material.

"Excessive Release": A discharge of more than 295g (0.65 pounds) of mercaptans and/or hydrogen sulfide into the atmosphere in any five minute period.

"Existing Grain-Drying Operation": Any grain-drying operation the construction or modification of which was commenced prior to June 30, 1975.

"Existing Grain-Handling Operation": Any grain-handling operation the construction or modification of which was commenced prior to June 30, 1975.

"Exterior Base Coat": An initial coating applied to the exterior of a can after the can body has been formed.

"Exterior End Coat": A coating applied by rollers or spraying to the exterior end of a can.

"External Floating Roof": A storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which is supported by the petroleum liquid being contained and is equipped with a closure seal between the deck edge and tank wall.

"Extreme Performance Coating": Coatings designed for exposure to any of the following: the ambient weather conditions, temperatures above 368.15° K (203° F), detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or other similar extreme environmental conditions.

"Fabric Coating": The coating of a textile substrate, including operations where the coating impregnates the substrate.

"Final Repair Coat": The repainting of any coating which is damaged during vehicle assembly.

"Firebox": The chamber or compartment of a boiler or furnace in which materials are burned, but not the combustion chamber or afterburner of an incinerator.

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"Flexographic Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of elastomeric materials.

"Floating Roof": A roof on a stationary tank, reservoir or other container which moves vertically upon change in volume of the stored material.

"Freeboard Height": For open top vapor degreasers, the distance from the top of the vapor zone to the top of the degreaser tank. For cold cleaning degreasers, the distance from the solvent to the top of the degreaser tank.

"Fuel Combustion Emission Source": Any furnace, boiler or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer.

"Fuel Gas System": A system for collection of refinery fuel gas including, but not limited to, piping for collecting tail gas from various process units, mixing drums and controls and distribution piping.

"Fugitive Particulate Matter": Any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in 35 Ill. Adm. Code 212.Subpart K shall exempt any source from compliance with other provisions of 35 Ill. Adm. Code 212 otherwise applicable merely because of the absence of a stack.

"Gas Service": Means that the component contains process fluid that is in the gaseous state at operating conditions.

"Gasoline": Any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

"Gasoline Dispensing Facility": Any site where gasoline is transferred from a stationary storage tank to a motor vehicle gasoline tank used to provide fuel to the engine of that motor vehicle.

"Grain": The whole kernel or seed of corn, wheat, oats, soybeans and any other cereal or oil seed plant; and the normal fines, dust and foreign matter which results from harvesting, handling or conditioning. The grain shall be unaltered by grinding or processing.

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"Grain-Drying Operation": Any operation, excluding aeration, by which moisture is removed from grain and which typically uses forced ventilation with the addition of heat.

"Grain-Handling and Conditioning Operation": A grain storage facility and its associate grain transfer, cleaning, drying, grinding and mixing operations.

"Grain-Handling Operation": Any operation where one or more of the following grain-related processes (other than grain-drying operation, portable grain-handling equipment, one-turn storage space, and excluding flour mills and feed mills) are performed: receiving, shipping, transferring, storing, mixing or treating of grain or other processes pursuant to normal grain operations.

"Green Tire Spraying": The spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

"Green Tires": Assembled tires before molding and curing have occurred.

"Gross Heating Value": Amount of heat produced when a unit quantity of fuel is burned to carbon dioxide and water vapor, and the water vapor condensed as described in A.S.T.M. D-2015-66, D-900-55, D-1826-64 and D-240-64.

"Heavy Liquid": Liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3° K (70° F) or 0.1 Reid Vapor Pressure as determined by A.S.T.M. method D-323; or which when distilled requires a temperature of 300° F or greater to recover 10% of the liquid as determined by A.S.T.M. method D-86.

"Heavy Metals": For the purposes of Section 9.4 of the Act, elemental, ionic, or combined forms of arsenic, cadmium, mercury, chromium, nickel and lead.

"Heavy, Off-Highway Vehicle Products": For the purposes of Section 215.204(k), heavy off-highway vehicle products shall include: heavy construction, mining, farming or material handling equipment; heavy industrial engines; diesel-electric locomotives and associated power generation equipment; and the components of such equipment or engines.

"Hot Well": The reservoir of a condensing unit receiving the condensate from a barometric condenser.

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"Housekeeping Practices": Those activities specifically defined in the list of housekeeping practices developed by the Joint EPA - Industry Task Force and included herein under 35 Ill. Adm. Code 212.461.

"Incinerator": Combustion apparatus in which refuse is burned.

"Indirect Heat Transfer": Transfer of heat in such a way that the source of heat does not come into direct contact with process materials.

"In-Process Tank": A container used for mixing, blending, heating, reacting, holding, crystallizing, evaporating, or cleaning operations in the manufacture of pharmaceuticals.

"In-situ Sampling Systems": Nonextractive samplers or in-line samplers.

"Interior Body Spray Coat": A coating applied by spray to the interior of a can after the can body has been formed.

"Internal Transferring Area": Areas and associated equipment used for conveying grain among the various grain operations.

"Large Appliance Coating": The application of a coating material to the component metal parts (including but not limited to doors, cases, lids, panels and interior support parts) of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

"Light-Duty Truck": Any second division motor vehicle, as that term is defined in the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95½, pars. 1-100 et seq.) weighing less than 3854 kilograms (8500 pounds) gross.

"Liquid-Mounted Seal": A primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof edge around the circumference of the roof.

"Liquid Service": Means that the equipment or component contains process fluid that is in a liquid state at operating conditions.

"Liquids Dripping": Any visible leaking from a seal including spraying, misting, clouding and ice formation.

"Load-Out Area": Any area where grain is transferred from the grain-handling operation to any vehicle for shipment or delivery.

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"Low Solvent Coating": A coating which contains less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electro-deposition and powder coatings.

"Magnet Wire Coating": The application of a coating of electrically insulating varnish or enamel to conducting wire to be used in electrical machinery.

"Major Dump Pit": Any dump pit with an annual grain through-put of more than 300,000 bushels, or which receives more than 40% of the annual grain through-put of the grain-handling operation.

"Major Metropolitan Area (MMA)": Any county or group of counties which is defined by the following Table:

MAJOR METROPOLITAN AREAS IN ILLINOIS (MMA's)

MMA COUNTRIES INCLUDED IN MMA

Champaign-Urbana	Champaign
Chicago	Cook, Lake, Will, DuPage, McHenry, Kane, Grundy, Kendall, Kankakee
Decatur	Macon
Peoria	Peoria, Tazewell
Rockford	Winnebago
Rock Island -- Moline	Rock Island
Springfield	Sangamon
St. Louis (Illinois)	St. Clair, Madison
Bloomington -- Normal	McLean

"Major Population Area (MPA)": Areas of major population concentration in Illinois, as described below:

The area within the counties of Cook; Lake; DuPage; Will; the townships of Burton, Richmond, McHenry, Greenwood, Nunda, Door, Algonquin, Grafton and the municipality of Woodstock, plus a zone extending two miles beyond the boundary of said municipality located in McHenry County; the townships of Dundee, Rutland, Elgin, Plato, St. Charles, Campton, Geneva, Blackberry, Batavia, Sugar Creek and Aurora located in Kane County; and the municipalities of Kankakee, Bradley and Bourbonnais, plus a zone extending two miles beyond the boundaries of said municipalities in Kankakee County.

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The area within the municipalities of Rockford and Loves Park, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Rock Island, Moline, East Moline, Carbon Cliff, Milan, Oak Grove, Silvis, Hampton, Greenwood and Coal Valley, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Galesburg and East Galesburg, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bartonville, Peoria and Peoria Heights, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Pekin, North Pekin, Marquette Heights, Creve Coeur and East Peoria, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Bloomington and Normal, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Champaign, Urbana and Savoy, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Decatur, Mt. Zion, Harriestown and Forsyth, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the municipalities of Springfield, Leland Grove, Jerome, Southern View, Grandview, Sherman and Chatham, plus a zone extending two miles beyond the boundaries of said municipalities.

The area within the townships of Godfrey, Foster, Wood River, Fort Russell, Chouteau, Edwardsville, Venice, Nameoki, Alton, Granite City and Collinsville located in Madison County; and the townships of Stites, Canteen, Centreville, Caseyville, St. Clair, Sugar Loaf and Stookey located in St. Clair County.

"Manufacturing Process": A process emission source or series of process emission sources used to convert raw materials, feed

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stocks, subassemblies or other components into a product, either for sale or for use as a component in a subsequent manufacturing process.

"Metal Furniture Coating": The application of a coating material to any furniture piece made of metal or any metal part which is or will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece including, but not limited to, tables, chairs, wastebaskets, beds, desks, lockers, benches, shelving, file cabinets, lamps and room dividers. This definition shall not apply to any coating line coating metal parts or products that is identified under the Standard Industrial Classification Code for Major Groups 33, 34, 35, 36, 37, 38, 39, 40 or 41.

"Miscellaneous Fabricated Product Manufacturing Process":

A manufacturing process involving one or more of the following applications, including any drying and curing of formulations, and capable of emitting volatile organic material:

Adhesives to fabricate or assemble non-furniture components or products

Asphalt solutions to paper or fiberboard

Asphalt to paper or felt

Coatings or dye to leather

Coatings to plastic

Coatings to rubber or glass

Curing of furniture adhesives in an oven which would emit in excess of 10 tons of volatile organic material per year if no air pollution control equipment were used

Disinfectant material to manufactured items

Plastic foam scrap or "fluff" from the manufacture of foam containers and packaging material to form resin pellets

Resin solutions to fiber substances

Rubber solutions to molds

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Viscose solutions for food casings

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Formulation Manufacturing Process":

A manufacturing process which compounds one or more of the following and is capable of emitting volatile organic material:

Adhesives

Asphalt solutions

Caulks, sealants or waterproofing agents

Coatings, other than paint and ink

Concrete curing compounds

Dyes

Friction materials and compounds

Resin solutions

Rubber solutions

Viscose solutions

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Miscellaneous Metal Parts and Products": For the purpose of 35 Ill. Adm. Code 215.204, miscellaneous metal parts and products shall include farm machinery, garden machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industrial Classification Code for

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Major Groups 33, 34, 35, 36, 37, 38 or 39 with the exception of the following: coating lines subject to 35 Ill. Adm. Code 215.204(a)-(i) and (k), automobile or light-duty truck refinishing, the exterior of marine vessels and the customized top coating of automobiles and trucks if production is less than thirty-five vehicles per day.

"Miscellaneous Organic Chemical Manufacturing Process":

A manufacturing process which produces by chemical reaction, one or more of the following organic compounds or mixtures of organic compounds and which is capable of emitting volatile organic materials:

Chemicals listed in 35 Ill. Adm. Code 215. Appendix D.

Chlorinated and sulfonated compounds

Cosmetic, detergent, soap or surfactant intermediaries or specialties and products

Disinfectants

Food additives

Oil and petroleum product additives

Plasticizers

Resins or polymers

Rubber additives

Sweeteners

Varnishes

The storage and handling of formulations associated with the process described above.

The use and handling of organic liquids and other substances for clean-up operations associated with the process described above.

"Mixing Operation": The operation of combining two or more ingredients, of which at least one is a grain.

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"New Grain-Drying Operation": Any grain-drying operation the construction or modification of which is commenced on or after June 30, 1975.

"New Grain-Handling Operation": Any grain-handling operation the construction or modification of which is commenced on or after June 30, 1975.

"No Detectable Volatile Organic Material Emissions": A discharge of volatile organic material into the atmosphere as indicated by an instrument reading of less than 500 ppm above background as determined in accordance with 40 CFR 60.485(c).

"One Hundred Percent Acid": Acid with a specific gravity of 1.8205 at 30° C in the case of sulfuric acid and 1.4952 at 30° C in the case of nitric acid.

"One-Turn Storage Space": That space used to store grain with a total annual through-put not in excess of the total bushel storage of that space.

"Opacity": A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity Percent	Ringelmann
10	0.5
20	1.
30	1.5
40	2.
60	3.
80	4.
100	5.

"Open Top Vapor Degreasing": The batch process of cleaning and removing soils from surfaces by condensing hot solvent vapor on the colder metal parts.

"Operator of Gasoline Dispensing Facility": Any person who is the lessee of or operates, controls or supervises a gasoline dispensing facility.

"Organic Material": Any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvers, viscosity reducers or cleaning agents, but excluding methane, carbon monoxide, carbon dioxide,

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carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate.

"Organic Materials": For the purposes of Section 9.4 of the Act, any chemical compound of, carbon including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, and polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons are organic materials, while methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate are organic materials.

"Organic Vapor": Gaseous phase of an organic material or a mixture of organic materials present in the atmosphere.

"Overvarnish": A coating applied directly over ink or printing.

"Owner of Gasoline Dispensing Facility": Any person who has legal or equitable title to a stationary storage tank at a gasoline dispensing facility.

"Packaging Rotogravure Printing": Rotogravure printing upon paper, paper board, metal foil, plastic film and other substrates, which are, in subsequent operations, formed into packaging products or labels for articles to be sold.

"Paint Manufacturing Plant": A plant that mixes, blends, or compounds enamels, lacquers, sealers, shellacs, stains, varnishes or pigmented surface coatings.

"Paper Coating": The application of a coating material to paper or pressure sensitive tapes, regardless of substrate, including web coating on plastic fibers and decorative coatings on metal foil.

"Particulate Matter": Any solid or liquid material, other than water, which exists in finely divided form.

"Petroleum Liquid": Crude oil, condensate or any finished or intermediate product manufactured at a petroleum refinery, but not including Number 2 through Number 6 fuel oils as specified in A.S.T.M. D-396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D-2880-71 or diesel fuel oils Numbers 2-D and 4-D, as specified in A.S.T.M. D-975-68.

"Petroleum Refinery": Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or

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other products through distillation, cracking, extraction or reforming of unfinished petroleum derivatives.

"Pharmaceutical": Any compound or mixture, other than food, used in the prevention, diagnosis, alleviation, treatment or cure of disease in man and animal.

"Pharmaceutical Coating Operation": a device in which a coating is applied to a pharmaceutical, including any drying or curing of the coating.

"Photochemically Reactive Material": Any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations. Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure into more than one of the above groups of organic materials it shall be considered as a member of the most reactive group, that is, the group having the least allowable percent of the total organic materials.

A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic types of unsaturation: 5 percent. This definition does not apply to perchlorethylene or trichloroethylene.

A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethyl-benzene: 8 percent.

A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.

"Plant": all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any marine vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the "Standard Industrial Classification Manual", 1987.

"Pneumatic Rubber Tire Manufacture": The production of pneumatic rubber tires with a bead diameter up to but not including 20.0 inches and cross section dimension up to 12.8 inches, but not including specialty tires for antique or other vehicles when

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Produced on equipment separate from normal production lines for passenger or truck type tires.

"Polybasic Organic Acid Partial Oxidation Manufacturing Process": Any process involving partial oxidation of hydrocarbons with air to manufacture polybasic acids or their anhydrides, such as maleic anhydride, phthalic anhydride, terephthalic acid, isophthalic acid, trimellitic anhydride.

"Portable Grain-Handling Equipment": Any equipment (excluding portable grain dryers) that is designed and maintained to be movable primarily for use in a non-continuous operation for loading and unloading one-turn storage space, and is not physically connected to the grain elevator, provided that the manufacturer's rated capacity of the equipment does not exceed 10,000 bushels per hour.

"Portland Cement Process": Any facility manufacturing portland cement by either the wet or dry process.

"Power Driven Fastener Coating": The coating of nail, staple, brad and finish nail fasteners where such fasteners are fabricated from wire or rod of 0.0254 inch diameter or greater, where such fasteners are bonded into coils or strips, such coils and strips containing a number of such fasteners, which fasteners are manufactured for use in power tools, and which fasteners must conform with formal standards for specific uses established by various federal and national organizations including Federal Specification FF-N-105b of the General Services Administration dated August 23, 1977 (does not include any later amendments or editions; U.S. Army Armament Research and Development Command, Attn: DRDAR-TST, Rock Island, IL 61201), Bulletin UM-25d of the U.S. Department of Housing and Urban Development - Federal Housing Administration dated September 5, 1973 (does not include any later amendments or editions; Department of HUD, 547 W. Jackson Blvd., Room 1005, Chicago, IL 60606), and the Model Building Code of the Council of American Building Officials, and similar standards. For the purposes of this definition, the terms "brad" and "finish nail" refer to single leg fasteners fabricated in the same manner as staples. The application of coatings to staple, brad, and finish nail fasteners may be associated with the incremental forming of such fasteners in a cyclic or repetitious manner (incremental fabrication) or with the forming of strips of such fasteners as a unit from a band of wires (unit fabrication).

"PPM (Vol) - (Parts per Million) (Volume)": A volume/volume ratio which expresses the volumetric concentration of gaseous air contaminant in a million unit volumes of gas.

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"Pressure Release": The emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

"Pressure Tank": A tank in which fluids are stored at a pressure greater than atmospheric pressure.

"Prime Coat": The first film of coating material applied in a multiple coat operation.

"Prime Surfacer Coat": A film of coating material that touches up areas on the surface not adequately covered by the prime coat before application of the top coat.

"Process": Any stationary emission source other than a fuel combustion emission source or an incinerator.

"Process Unit": Components assembled to produce, as intermediate or final products, one or more of the chemicals listed in 35 Ill. Adm. Code 215. Appendix D. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

"Process Unit Shutdown": A work practice or operational procedure that stops production from a process unit or part of a process unit. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a process unit shutdown. The use of spare components and technically feasible bypassing of components without stopping production is not a process unit shutdown.

"Process Weight Rate": The actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours of operation excluding any time during which the equipment is idle. For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.

"Production Equipment Exhaust System": A system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges and other process emission sources.

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"Publication Rotogravure Printing": Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements or other types of non-packaging printed materials.

"Purged Process Fluid": Liquid or vapor from a process unit that contains volatile organic material and that results from flushing or cleaning the sample line(s) of a process unit so that an uncontaminated sample may then be taken for testing or analysis.

"Reactor": A vat, vessel or other device in which chemical reactions take place.

"Reasonably Available Control Technology (RACT)": The lowest emission limitation that an emission source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

"Refinery Fuel Gas": Any gas which is generated by a petroleum refinery process unit and which is combusted at the refinery, including any gaseous mixture of natural gas and fuel gas.

"Refinery Unit, Process Unit or Unit": A set of components which are a part of a basic process operation such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

"Refrigerated condenser": a surface condenser in which the coolant supplied to the condenser has been cooled by a mechanical device, other than by a cooling tower or evaporative spray cooling, such as a refrigeration unit or steam chiller unit.

"Residual Fuel Oil": Fuel oils of grade No. 4, 5 and 6 as specified in detailed requirements for fuel oils A.S.T.M. D-396-69 (1971).

"Restricted Area": The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1000 or more according to the latest federal census.

"Ringelmann Chart": The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC7718) May 1, 1967, or any adaptation thereof which has been approved by the Agency.

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"Roadway": Any street, highway, road, alley, sidewalk, parking lot, airport, rail bed or terminal, bikeway, pedestrian mall or other structure used for transportation purposes.

"Roll Printing": The application of words, designs and pictures to a substrate usually by means of a series of hard rubber or metal rolls each with only partial coverage.

"Rotogravure Printing": The application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is recessed relative to the non-image area.

"Safety Relief Valve": A valve which is normally closed and which is designed to open in order to relieve excessive pressures within a vessel or pipe.

"Sandblasting": The use of a mixture of sand and air at high pressures for cleaning and/or polishing any type of surface.

"Sensor": A device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

"Set of Safety Relief Valves": One or more safety relief valves designed to open in order to relieve excessive pressures in the same vessel or pipe.

"Sheet Basecoat": A coating applied to metal when the metal is in sheet form to serve as either the exterior or interior of a can for either two-piece or three-piece cans.

"Shotblasting": The use of a mixture of any metallic or non-metallic substance and air at high pressures for cleaning and/or polishing any type of surface.

"Side-Seam Spray Coat": A coating applied to the seam of a three-piece can.

"Smoke": Small gas-borne particles resulting from incomplete combustion, consisting predominately but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

"Smokeless Flame": A combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an

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appearance density or shade darker than No. 1 of the Ringlemann Chart.

"Solvent Cleaning": The process of cleaning soils from surfaces by cold cleaning, open top vapor degreasing or conveyorized degreasing.

"Specialty High Gloss Catalyzed Coating": Commercial contract finishing of material prepared for printers and lithographers where the finishing process uses a solvent-borne coating, formulated with a catalyst, in a quantity of no more than 12,000 gallons/year as supplied, where the coating machines are sheet fed and the coated sheets are brought to a minimum surface temperature of 190° F, and where the coated sheets are to achieve the minimum specular reflectance index of 65 measured at a 60 degree angle with a gloss meter.

"Splash Loading": A method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe.

"Stack": A flue or conduit, free-standing or with exhaust port above the roof of the building on which it is mounted, by which air contaminants are emitted into the atmosphere.

"Standard Conditions": A temperature of 70° F and a pressure of 14.7 pounds per square inch absolute (psia).

"Standard Cubic Foot (scf)": The volume of one cubic foot of gas at standard conditions.

"Startup": The setting in operation of an emission source for any purpose.

"Stationary Emission Source": An emission source which is not self-propelled.

"Stationary Storage Tank": Any container of liquid or gas which is designed and constructed to remain at one site.

"Submerged Loading Pipe": Any loading pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. When applied to a tank which is loaded from the side, any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. The definition shall also apply to any loading pipe which is continuously submerged during loading operations.

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"Sulfuric Acid Mist": Sulfuric acid mist as measured according to the method specified in 35 Ill. Adm. Code 214.101(b).

"Surface Condenser": A device which removes a substance from a gas stream by reducing the temperature of the stream, without direct contact between the coolant and the stream.

"Synthetic Organic Chemical or Polymer Manufacturing Plant": A plant that produces, as intermediates or final products, one or more of the chemicals or polymers listed in 35 Ill. Adm. Code 215.Appendix D.

"Tablet coating operation": a pharmaceutical coating operation in which tablets are coated.

"Top Coat": A film of coating material applied in a multiple coat operation other than the prime coat, final repair coat or prime surfacer coat.

"Transfer Efficiency": The ratio of the amount of coating deposited onto a part or product to the total amount of coating solids used.

"Tread End Cementing": The application of a solvent-based cement to the tire tread ends.

"True Vapor Pressure": The equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks" (1962).

"Turnaround": The procedure of shutting down an operating refinery unit, emptying gaseous and liquid contents to do inspection, maintenance and repair work, and putting the unit back into production.

"Undertread Cementing": The application of a solvent-based cement to the underside of a tire tread.

"Unregulated Safety Relief Valve": A safety relief valve which cannot be actuated by a means other than high pressure in the pipe or vessel which it protects.

"Vacuum Producing System": Any reciprocating, rotary or centrifugal blower or compressor, or any jet ejector or device that creates suction from a pressure below atmospheric and discharges against a greater pressure.

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"Valves Not Externally Regulated": Valves that have no external controls, such as in-line check valves.

"Vapor Balance System": Any combination of pipes or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

"Vapor Collection System": All piping, seals, hoses, connections, pressure-vacuum vents, and other possible sources between the gasoline delivery vessel and the vapor processing unit and/or the storage tanks and vapor holder.

"Vapor Control System": Any system that prevents release to the atmosphere of organic material in the vapors displaced from a tank during the transfer of gasoline.

"Vapor-Mounted Primary Seal": A primary seal mounted with an air space bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

"Vinyl Coating": The application of a topcoat or printing to vinyl coated fabric or vinyl sheets; provided, however, that the application of an organosol or plastisol is not vinyl coating.

"Volatile Organic Liquid": Any liquid which contains volatile organic material.

"Volatile Organic Material" or "Volatile Organic Material Content" (VOMC): the emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOMC is typically expressed as kilogram (Kg) VOM/liter (lb/gallon) of coating or coating solids, or Kg VOM/Kg (lb VOM/lb) of coating material.

Any organic material which participates in atmospheric photochemical reactions unless specifically exempted from this definition. Volatile organic material emissions shall be measured by the reference methods specified under 40 CFR 60, Appendix A (1986) (no future amendments or editions are included), or, if no reference method is applicable, may be determined by mass balance calculations.

For purposes of this definition, the following are not volatile organic materials:

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Chlorodifluoroethane (HCFC-142b)
 Chlorodifluoromethane (CFC-22)
 Chloropentafluoroethane (CFC-115)
 Dichlorodifluoromethane (CFC-12)
 Dichlorofluoroethane (HCFC-141b)
 Dichlorotetrafluoroethane (CFC-114)
 Dichlorotrifluoroethane (HCFC-123)
 Ethane
 Methane
 Dichloromethane (Methylene chloride)
 Tetrafluoroethane (HFC-134a)
 Trichloroethane (Methyl chloroform)
 Trichlorofluoromethane (CFC-11)
 Trichlorotrifluoroethane (CFC-113)
 Trifluoromethane (FC-23)

"Volatile Petroleum Liquid": Any petroleum liquid with a true vapor pressure that is greater than 1.5 psia (78 millimeters of mercury) at standard conditions.

"Wastewater (Oil/Water) Separator": Any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals of water, or any device, such as a flocculation tank or a clarifier, which removes petroleum derived compounds from waste water.

"Weak Nitric Acid Manufacturing Process": Any acid producing facility manufacturing nitric acid with a concentration of less than 70 percent by weight.

"Woodworking": The shaping, sawing, grinding, smoothing, polishing and making into products of any form or shape of wood.

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER1) Heading of the Part:

Family Practice Residency Act

2) Code Citation:

77 Ill. Adm. Code 590

3) Section Numbers:590.10
590.20
590.30
590.40
590.50
590.100
590.110
590.120
590.130
590.140Proposed Action:Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer4) Statutory Authority:Family Practice Residency Act
Ill. Rev. Stat. 1987, ch. 144, par. 1451 et seq.5) A Complete Description of the Subjects and Issues Involved:This Part is being repealed and replaced with a new set of rules also published in this issue of the Illinois Register.6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes No X7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No XIf "yes," please specify the date: 8) Does this Rulemaking Contain Any Incorporations By Reference?Yes No XIf "yes," please specify type: 6.02(a) or 6.02(b) 9) Are there any other Proposed Amendments Pending on this Part?Yes No XDEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALERIf Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
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10) Statement of Statewide Policy Objectives:

This rulemaking should neither expand or contract a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

May 16, 1990

B) Type of Small Businesses Affected:

Medical schools.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
Application forms.D) Types of Professional Skills Necessary for Compliance:
None.

The full text of the Proposed Repealer begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 590
FAMILY PRACTICE RESIDENCY ACT

SUBPART A: GRANTS AWARDS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section
590.10 General Statement (Summary)
590.20 Definitions
590.30 Advisory Committee
590.40 Family Practice Residency Program
590.50 Award of Grants

SUBPART B: AWARDED SCHOLARSHIPS TO ILLINOIS MEDICAL STUDENTS

Section
590.100 Applicability of Rules
590.110 Eligibility
590.120 Award of Scholarships
590.130 Terms of Performance
590.140 Application

AUTHORITY: Implementing and authorized by the Family Practice Residency Act (Ill. Rev. Stat. 1981, ch. 144, pars. 1451 et seq.).

SOURCE: Filed June 8, 1978; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509.

SUBPART A: GRANT AWARDS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section 590.10 General Statement (Summary)

a) This Subpart is applicable to the award of grants by the Department of Public Health to schools of medicine or osteopathy or to hospitals which have or are planning to have family practice residency programs whose goal is to train physicians to provide comprehensive medical care to designated shortage areas of the State.

b) The authorization for this Part is the Family Practice Residency Act (Ill. Rev. Stat. 1981, ch. 144, pars. 1451 et seq.), subsequently amended by Public Act 81-1041.

Section 590.20 Definitions

The following terms have the meanings ascribed to them in the Act. This Part also expands on certain terms in order to clarify the legislative intent.

"Department" means the Illinois Department of Public Health (Section 3.01 of the Act).

"Designated shortage area" is defined in Section 3.04 of the Act.

"Director" means the Director of the Department of Public Health (Section 3.02 of the Act).

"Eligible medical student" is defined in Section 3.07 of the Act.

"Family practice residency program" (Section 3.06 of the Act) means a fully or provisionally approved program by the Liaison Committee on Graduate Medical Education of the Coordinating Council for Medical Education or by the American Osteopathic Association. In the case of new programs, the program must be in the process of being reviewed for accreditation.

"Local health department" means a full-time county, multi-county or municipal health department which is:

In accordance with the Statutes of the State of Illinois; In compliance with all rules and regulations established in the Department; and Consistent with good public health practice.

"Medical facility" is defined in Section 3.08 of the Act.

"Project period" means the total time for which support of the project has been approved.

"School of medicine or osteopathy" means a public or private nonprofit school which provides training leading to a doctor of medicine or osteopathy degree and is in good standing with the Illinois Department of Registration and Education.

Section 590.30 Advisory Committee

a) Membership of the Advisory Committee (Section 5 of the Act) shall include the Executive Secretary of the Statewide Health Coordinating Council, one school of medicine or osteopathy dean, four family practitioners and three members of the general public who, in addition to statutory responsibilities, are capable of advising the Director in matters of financial aid, underserved populations, or who utilize family practice services.

b) Responsibilities of the Advisory Committee shall include:

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NOTICE OF PROPOSED REPEALER

- 1) Consultation with the Director or designated personnel on general policy and program procedural matters.
- 2) Review and recommendations on grant application from residency programs.
- 3) Consultation on determination and updating of designated shortage areas.
- 4) Monitoring of performance of funded projects.
- c) Meetings shall be at the discretion of the Director, but not less than once a year.

Section 590.40 Family Practice Residency Program

- a) Expenditure of funds granted under the Act may be used to support:
 - 1) The educational component of the program. In cases where applicants are eligible for funding both from the Department and the Illinois Board of Higher Education, Budget information must be provided in a manner prescribed by the Director, showing how funds from the two institutions will be utilized.
 - 2) Development of preventive medicine, public health, or occupational health components of the program.
 - 3) Outreach components of the program.
 - 4) Community based research.
- b) Eligibility. Any accredited family practice program, any school of medicine or osteopathy with a department of family practice or similar program, or any community sponsoring agency or educational foundation that proposes the development or extension of family practice residencies in designated shortage areas, may apply for a grant under the Act.
- c) A residency program may be eligible for a grant even though its site is contiguous to a designated shortage area, if the program clearly shows that it presently serves a percentage of the population within the contiguous designated shortage area, and has definitive plans to increase that percentage during the project period.
- d) Application. Each applicant petitioning for a grant shall submit a project proposal in a manner and form prescribed by the Director. The proposal shall be submitted by a person authorized to act for the applicant as Project Director. In addition to such basic information as the Director may require, each project proposal must contain the following:

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- 1) A statement of specific, attainable, and measurable objectives of the proposed project, consistent with the purpose of Sections 4.01 and 4.02 of the Act.
- 2) A step by step plan for implementing and measuring the stated objectives.
- 3) A timetable for carrying out the activities leading to the objectives of the program and plans for program continuance beyond the project period.
- 4) A description of the geographic area or underserved target population group and documentation of the social or economic reasons for being underserved.
- 5) A description of all resources to be used by the applicant including faculty, staff, equipment, and facilities.
- 6) The number of residents at each level of training for each year of the project.
- 7) A description of the training to be offered in each year of residency.
- 8) A copy of applications made to other funding sources relating to family practice programs, and a report on the amount of money received from those sources.
- 9) A detailed budget for the entire project period with justification for the amount requested.
- 10) A copy of affiliation agreements with other institutions.
- e) Project Requirements. Each applicant shall:
 - 1) Have a Project Director who is authorized to act as fiduciary agent for the applicant and who is vested with the authority to sign contracts with the Department, sign applications for funds, and execute any representation required by the Department.
 - 2) Have a Program Director who is a board certified family practitioner who oversees the educational and professional components of the program and is eligible to be a faculty member of a school of medicine or osteopathy, preferably in a Department of Family Practice. Exceptions may be made to this rule by the Director on recommendations from the Advisory Committee.

- 3) Show that U.S. medical school graduates or osteopathy school graduates, or U.S. citizens who are graduates of foreign medical schools, occupy at least 75 percent of the resident positions.
- 4) Participate in research and reporting as required by the Director on a quarter to annual basis.
- f) Project Preferences. The Director, after consultation with the Advisory Committee on each proposed project, will approve or disapprove applications, taking into consideration the following program elements:
 - 1) The affiliation agreements between residency program and schools of medicine or osteopathy.
 - 2) Educational components that conform to the essentials for mastering a specialty in family practice.
 - 3) The understanding of the political and social conditions under which a medical practice is conducted.
 - 4) Instruction in the behavioral sciences.
 - 5) The educational experiences of residents through local health departments as defined under Section 590.20 of this Part or approved preventive or occupational medicine experience.
 - 6) Built-in quality assurance including:
 - A) A system which assures the greatest continuity of care by program personnel.
 - B) Mechanisms for referral to secondary and tertiary institutions.
 - C) Use of a medical record system which is suitable for audit and is available for systematic review by the entire health care team.
 - D) Review of performance in reference to laboratory, diagnostic accuracy, and treatment plan by clinical staff members.
 - E) Peer review.
 - 7) The potential effectiveness of the proposed project to assist in the delivery of services to underserved population groups in designated shortage areas of the state.

- 8) Community-oriented research including projects such as:
 - A) Determination of risk factors in defined populations.
 - B) Determination of immunization levels in preschool children.
 - C) Unusual environmental hazards in defined population groups (e.g., lead poisoning, drug abuse, etc.).
 - D) Determination of occupational hazards for a defined group of workers (e.g., industrial, farm, migrants, etc.).
- Section 590.50 Award of Grants
- a) The Director shall determine the ratio of state to local support for each approved and funded project based upon the recommendation of the Advisory Committee, the program needs, and the resources received from other funding sources.
 - b) Each applicant shall be accountable to expend the funds solely for carrying out the approved project pursuant to any letter of agreement by the Department and the applicant.

SUBPART B: AWARDING SCHOLARSHIPS TO ILLINOIS MEDICAL STUDENTS

Section 590.100 Applicability of Rules

The rules and regulations contained in Subpart II are applicable to the award of scholarships to students who are Illinois residents and who are enrolled or accepted for enrollment in schools of medicine or osteopathy in Illinois; and who contract to practice medicine in a designated shortage area in the state.

Section 590.110 Eligibility

- a) Any allopathic or osteopathic medical student who is an Illinois resident enrolled in an Illinois school certified by the school as being eligible to receive financial aid and who contracts to practice medicine in a designated shortage area within the state shall be eligible for a scholarship.
- b) No student is eligible to receive funds from the Department and from another scholarship or loan program requiring a service commitment.
- c) The scholarship shall include tuition and fees plus a monthly living stipend. When possible, the Department will increase the stipend annually to remain competitive with similar scholarship programs.

Most notably the National Health Service Corps will be used as a basis for comparison. Once the stipend is established it will remain uniform for each scholarship recipient.

Section 590.120 Award of Scholarships

Scholarships will be awarded to eligible students selected by the Department who agree to the provisions of Subpart B of this Part. In determining which students will be selected to receive scholarships, the Department shall consider the following:

- a) Whether or not the student resides in a designated shortage area and shows an interest in establishing a permanent medical practice in such an area,
- b) Financial need as certified by his or her medical school and evidenced by a Financial Aid Form (FAF),
- c) The interest shown by the student in establishing a medical practice in the specific areas of family practice or community medicine,
- d) Academic qualifications of the student,
- e) Recommendations from and consultations with medical school officials regarding the student,
- f) The period of time remaining before the student's graduation from medical school,
- g) The student's preference as to the location in which he or she desires to establish a medical practice.

Section 590.130 Terms of Performance

- a) Each student shall sign a written contract agreeing to the provisions of Subpart B of this Part. The contract may contain additional terms and conditions to ensure compliance with the Family Practice Residency Act and enforcement of the contract.
- b) Students who fail to complete their medical studies due to academic failure shall be discharged from all obligations under Subpart B of this Part.
- c) Students who fail to complete their medical studies due to voluntary actions on their part shall repay all monies spent by the Department for their medical education under Subpart B of this Part. Repayment shall be made in such a manner as agreed to by the student and Department in the student's contract.

- d) Upon the licensure of the student to practice medicine, the student shall serve as a primary care physician in a designated shortage area. The term of this service shall be as provided in the Family Practice Residency Act as now or hereafter amended.

- e) Service as primary care physician shall begin within thirty (30) days after the licensure of the student to practice medicine, except that service may be deferred until completion of non-primary care residency. In all cases where service is deferred, service shall begin within thirty (30) days after the student leaves his or her residency.

- f) In the event the student is disabled or it is otherwise impossible for reasons beyond the student's control for the student to perform his or her obligations under Subpart B of this Part, these obligations shall be suspended until such time as the student is able to resume his or her obligations.

Section 590.140 Application

Application shall be made through the Financial Aid Office of the school on forms prescribed by the Department. The criteria used by the school to establish financial need will be acceptable to the Department.

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NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objectives:

This rulemaking should not expand, contract or create a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

May 16, 1990

B) Type of Small Businesses Affected:

Medical Schools.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Application forms and contracts.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 9: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 590

FAMILY PRACTICE RESIDENCY CODE

SUBPART A: GENERAL PROVISIONS

Section
590.10
590.20
590.30
590.40

Applicability
Definitions
Incorporated Materials
Administrative Hearings

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section
590.100
590.110
590.120
590.130
590.140

Eligibility for Grants
Limitations on Use of Grant Funds
Project Requirements
Application for Grants
Selection Criteria

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section
590.200
590.210
590.220
590.230
590.240

Limitations on Use of Scholarship Funds
Eligibility for Application
Criteria for Selecting Scholarship Recipients
Terms of Performance
Scholarship Repayment

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section
590.300
590.310
590.320
590.330

Limitations on Use of Loan Repayment Funds
Eligibility for Application
Selection Criteria for Distribution of Loan Repayment Funds
Terms of Performance

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section
590.400
590.410
590.420

Data Elements Used in Designation Process
Criteria for Designating Shortage Areas
Distribution of Lists of Designated Shortage Areas
Appendix A Sample Contract for Medical Student Scholarship (Student

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Contract)

- Appendix B Sample Contract for Scholarship Service Obligation
 Appendix C Sample Contract for Monetary Repayment of Scholarship Obligation
 Appendix D Sample Contract for Educational Loan Repayment

AUTHORITY: Implementing and authorized by Family Practice Residency Act (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq., as amended by P.A. 86-436, effective January 1, 1990; P.A. 86-965, effective December 13, 1989; P.A. 86-926, effective September 17, 1989).

SOURCE: Filed June 8, 1978; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509, emergency amendment at 14 Ill. Reg. _____, effective May 21, 1990 for a maximum of 150 days; repealed at 14 Ill. Reg. _____, a new part adopted at 14 Ill. Reg. _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 590.10 Applicability

- a) This Part is in response to an act designed to improve the availability of primary health care throughout the State. The provisions of this rulemaking are organized into six components which consist of five Subparts and four appendices. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.
- b) Subpart B includes provisions for awarding grants to graduate medical education programs which train physicians in the specialty of family practice. These provisions set forth the application and selection processes for distribution of grant funds, and performance requirements.
- c) Subpart C includes provisions for the distribution of medical student scholarships. These provisions set forth eligibility for scholarships, criteria for selection, and performance requirements resulting from acceptance of a scholarship.
- d) Subpart D includes provisions for the repayment of educational loans for primary care physicians who agree to practice in designated shortage areas of the State.
- e) Subpart E describes criteria used to designate areas of the State needing additional primary care physicians.
- f) The appendices include sample contracts used in the scholarship and

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loan repayment activities described in this Part.

Section 590.20 Definitions

"Accredited family practice residency" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association, or by the Committee on Postdoctoral Training of the American Osteopathic Association.

"ACT" MEANS THE FAMILY PRACTICE RESIDENCY ACT (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq., as amended by P.A. 86-436, effective January 1, 1990; P.A. 86-965, effective December 13, 1989; P.A. 86-926, effective September 17, 1989).

"COMMITTEE" MEANS THE ADVISORY COMMITTEE FOR FAMILY PRACTICE RESIDENCY PROGRAMS CREATED BY THIS ACT (Section 3.03 of the Act).

"Community Based Organization" means a locally organized and locally recognized group of individuals whose goals include efforts to maintain or increase the availability of primary health care in their community.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (Section 3.01 of the Act).

"DESIGNATED SHORTAGE AREA" MEANS AN AREA DESIGNATED BY THE DIRECTOR AS A PHYSICIAN SHORTAGE AREA, A MEDICALLY UNDERSERVED AREA, OR A CRITICAL HEALTH MANPOWER SHORTAGE AREA AS DEFINED BY THE UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, OR AS FURTHER DEFINED BY THE DEPARTMENT TO ENABLE IT TO EFFECTIVELY FULFILL THE PURPOSE STATED IN SECTION 2 OF THIS ACT. SUCH AREAS MAY INCLUDE THE FOLLOWING:

- (A) AN URBAN OR RURAL AREA WHICH IS A RATIONAL AREA FOR THE DELIVERY OF HEALTH SERVICES;
- (B) A POPULATION GROUP; OR
- (C) A PUBLIC OR NONPROFIT PRIVATE MEDICAL FACILITY (Section 3.04 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (Section 3.02 of the Act).

"FAMILY PRACTICE RESIDENCY PROGRAM" MEANS A PROGRAM ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION, OR THE

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COMMITTEE ON POSTDOCTORAL TRAINING OF THE AMERICAN OSTEOPATHIC ASSOCIATION (Section 3.06 of the Act).

"Fellowship" means optional medical training in a primary care specialty usually one year, completed after the residency training required for each of the primary care specialties.

"Full-time practice for physicians with active staff privileges" means maintaining office hours for patient care which equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1989."

"Full-time practice for primary care physicians without active staff privileges" at a hospital means maintaining office hours or being employed for patient care an amount of time at least equal to the mean number of office hours per week reported by family practice physicians in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1989."

"Local health department" means a county, multi-county, municipal or district public health agency recognized by the Department.

"Matriculation fees" are those educational expenses charged all students by the various medical schools. Such fees are charged to offset the expenses incurred by the school in areas such as the application and enrollment processing, library use charges, mandatory health insurance, and student activity fees.

"Medical school" means any private or public nonprofit school in Illinois which provides education leading to a doctor of medicine or osteopathy degree, and which is approved by the Illinois Department of Professional Regulation.

"Medical student" means a resident of Illinois STUDYING MEDICINE IN A MEDICAL SCHOOL LOCATED IN ILLINOIS (Section 3.07 of the Act).

"Medically underserved population" means individuals living in a designated shortage area or who, because of special health needs or low income, experience difficulty receiving health care.

"Obstetrical service area" means that geographical area surrounding a hospital with an obstetrical unit and which is defined by an imaginary boundary determined by the shortest distance, either in time or miles, for a resident to travel to one hospital rather than another.

"PRIMARY CARE PHYSICIAN" MEANS A PERSON LICENSED TO PRACTICE MEDICINE

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IN ALL OF ITS BRANCHES UNDER THE MEDICAL PRACTICE ACT (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.) WITH A SPECIALTY IN FAMILY PRACTICE, INTERNAL MEDICINE, OBSTETRICS AND GYNECOLOGY, OR PEDIATRICS AS DEFINED BY RECOGNIZED STANDARDS OF PROFESSIONAL MEDICAL PRACTICES (Section 3.05 of the Act).

"Rational service area" means the geographic area surrounding a physician's office, a hospital or a clinic, and from which the residents may be reasonably expected to seek health care from the physician, hospital or clinic located within the area.

"Residency matching process" means the National Resident Matching Program which coordinates the matching of medical students with the hospitals and residency training programs in the medical students' selected specialty. The matching application process usually lasts from June through September of one year, with match announcements made in March of the following year.

"Residency training" means the years of graduate medical education which follow medical school and which train the new physician in his or her chosen specialty (e.g., family practice, pediatrics, etc.).

Section 590.30 Incorporated Materials

The following materials are incorporated or referenced in this Part:

a) Illinois Statutes

- 1) Family Practice Residency Act (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq.).
- 2) Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.) (See Section 590.20).
- 3) An ACT in relation to educational loans (Ill. Rev. Stat. 1989, ch. 127, par. 3551-3553. (See Appendices).
- 4) Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.) (See Appendices)
- 5) Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, pars. 132.11-1 through 132.11-5). (See Appendices)

b) Illinois Rules--

- 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

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- 2) 44 Ill. Adm. Code 750, App. A (See Appendices)
- c) Other Guidelines--"Socioeconomic Characteristics of Medical Practice, 1989," prepared by the American Medical Association's Center for Health Policy Research.
- d) All incorporations by reference of standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 590.40 Administrative Hearings

Any administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (See 77 Ill. Adm. Code 100).

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section 590.100 Eligibility for Grants

The following educational entities are eligible to apply for grants through this Part:

- a) Any accredited family practice residency program located in Illinois;
- b) Any school of medicine or osteopathy with a department of family medicine or family practice; or
- c) Any accredited preventive medicine residency program located in Illinois.

Section 590.110 Limitations on Use of Grant Funds

- a) Grant funds may be used by the applicant to support project expenses, whether incurred at the residency's or school's central site or at an affiliated satellite.
- b) Grant funds may be used to support project operations, including those in the following budget categories:
 - 1) Personal services expenses of staff directly involved in the project;
 - 2) Medical equipment and supplies necessary for the operation of the project;
 - 3) Staff and resident travel directly related to the project;

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- 4) Nonmedical equipment and supplies necessary for the operation of the project;
- 5) Contractual services and rent necessary for the operation of the project; and
- 6) Other expenses critical to the operation of the project.
- c) Grant funds are not to be used to supplant other state or federal grants.
- d) Grant funds are not to be used to purchase real property or for new construction.

Section 590.120 Project Requirements

- a) Projects to be funded through this Part must respond to requests for proposals distributed by the Department delineating project requirements.
- b) Requests for proposals prepared by the Department will address one or more of the following goals:

- 1) INCREASE THE NUMBER OF FAMILY PRACTICE PHYSICIANS IN DESIGNATED SHORTAGE AREAS;
- 2) INCREASE THE NUMBER OF ACCREDITED FAMILY PRACTICE RESIDENCIES IN ILLINOIS;
- 3) INCREASE THE PERCENTAGE OF FAMILY PRACTICE PHYSICIANS ESTABLISHING PRACTICE WITHIN THE STATE UPON COMPLETION OF RESIDENCY.

(Section 4.01 of the Act)

- c) Projects must have a director who is a board certified family practice physician who oversees the educational and professional components of the program and who is eligible to be a faculty member of a school of medicine or osteopathy.
- d) Project directors must submit fiscal and program objective progress reports as requested by the Department.

Section 590.130 Application for Grants

- a) Applications must be submitted which describe the applicant's proposed methods to achieve the goal(s) specified in the Department's request for proposals.

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b) Applications will be prepared and distributed by the Department to eligible applicants.

c) Applications will be in two formats—one for new projects and one for the subsequent years of a continuing project.

1) New project applications must include:

- A) Summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;
- B) A description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or group (e.g., lack of health care providers, high incidence of disease, economic barriers to care) and explanation of the manner in which the proposed project would meet those needs;

C) A statement of measurable and relevant objectives the applicant proposes to achieve in the first year of the project as well as its longer term goals;

D) A work plan and time table for achievement of the objectives;

E) An evaluation plan which will allow documentation of the project's progress in meeting the particular needs of the area or group described in item (B) above;

F) A description of the medical student or family practice resident involvement in the project including numbers participating, amount of academic time involved, and whether involvement will be a required or an optional experience for the student or resident;

G) A description of the educational benefits the project would offer students or residents which, without the project, would not be available to them;

H) A description of the project's relationship to other activities and goals of the school or the residency program;

I) A detailed budget with narrative explanation of the request;

J) For residency program applicants, a summary report for the most recent five year period of the percent of its graduates who have practiced in Illinois and, if available, a count of those who have established practices in underserved areas of Illinois.

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2) Continuing project applications must include:

- A) Progress report on the prior project year's activities, including accomplishments in meeting objectives, impact on needs of area or population group served, amount of student and/or resident involvement, and educational benefits achieved.
- B) Summary statement of any changes in plan of action;
- C) Description of changes in area or population group being served;
- D) Statement of measurable objectives for the new project year;
- E) Work plan and time table to meet the objectives;
- F) An evaluation plan for the new objectives;
- G) A detailed budget with narrative description;
- H) For residency program applicants, a report on practice location of the most recent graduates.

Section 590.140 Selection Criteria

a) Priority in the selection of applicants for funding will be given to those projects that can demonstrate the greatest impact on availability of health care for designated shortage areas or for population groups with special needs. Such an impact can be demonstrated in the following manner:

- 1) Applicants which are located in a designated shortage area or can demonstrate that a significant percentage of patients served at their existing clinic sites reside in designated shortage areas;
 - 2) Applicants which have presented a plan to significantly increase the number of individuals residing in designated shortage areas who will become patients at the proposed projects;
 - 3) Applicants which can demonstrate a significant number of patients to be seen at the proposed project will be members of a population group with special needs (See Section 590.130(c)(1)(B)).
- b) Applicants which can demonstrate the greatest level of residents' involvement in the proposed project will receive priority

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consideration.

- c) Applicants which can demonstrate the proposed project meets an educational need not available or insufficient in scope at the main residency location will receive priority consideration.
- d) Applicants which can demonstrate the lowest ratio of Family Practice Residency Act funds to total project cost will receive priority consideration.
- e) Applicants which can demonstrate a commitment to training family physicians to meet the health care needs of designated shortage areas or population groups with special needs will receive priority consideration. A commitment can be demonstrated in a number of ways, including:

- 1) Specific projects or activities targeted at population groups with special needs and/or populations residing in designated shortage areas, which were supported by sources other than Family Practice Residency Act funds;
- 2) Evidence of residency support, either financial or peer, for its graduates who have established practices in designated shortage areas; and
- 3) Higher percentages of residency graduates who have established practices in Illinois and in designated shortage areas.

- f) Additional consideration will be given for those projects meeting any of the following guidelines:

- 1) those WHICH ARE TO BE ESTABLISHED AT LOCATIONS WHICH EXHIBIT POTENTIAL FOR EXTENDING FAMILY PRACTICE PHYSICIAN AVAILABILITY TO DESIGNATED SHORTAGE AREAS;
- 2) those WHICH ARE LOCATED AWAY FROM COMMUNITIES IN WHICH MEDICAL SCHOOLS ARE LOCATED; and
- 3) those LOCATED IN HOSPITALS HAVING AFFILIATION AGREEMENTS WITH MEDICAL SCHOOLS LOCATED WITHIN THE STATE.

(Section 4.02 of the Act)

- g) Selection criteria will be applied with advice and review by the Advisory Committee.

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

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Section 590.200 Limitations on Use of Scholarship Funds

- a) Scholarships will cover the cost of tuition and matriculation fees, and provide a monthly living stipend for selected medical students.
- b) Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at a medical school.
- c) Scholarship funds will not be awarded for expenses incurred when the student must repeat more than once an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's medical school.
- d) Scholarship funds will be provided to the recipient's medical school. All funds for tuition and fees are to be expended only on the medical student's behalf and all stipend monies are to be provided directly to the medical student.

Section 590.210 Eligibility for Application

- a) Students eligible to apply for Medical Student Scholarships must meet the following qualifications:

- 1) HE OR SHE IS AN ILLINOIS RESIDENT AT THE TIME OF APPLICATION;
- 2) HE OR SHE IS STUDYING MEDICINE, or is accepted for enrollment, IN A MEDICAL SCHOOL LOCATED IN ILLINOIS;
- 3) HE OR SHE EXHIBITS FINANCIAL NEED AS DETERMINED BY THE DEPARTMENT, using financial analysis information provided by the applicant and accepted by his or her medical school;
- 4) HE OR SHE AGREES TO PRACTICE FULL-TIME IN A DESIGNATED SHORTAGE AREA AS A PRIMARY CARE PHYSICIAN ONE YEAR FOR EACH YEAR HE OR SHE IS A SCHOLARSHIP RECIPIENT.

(Section 3.07 of the Act)

- b) Students receiving funds from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the requirements of the Medical Student Scholarship will not be eligible for scholarships described in this Subpart.

Section 590.220 Criteria for Selecting Scholarship Recipients

- a) Preference will be given to those scholarship applicants who, in written narratives and personal interviews, can demonstrate the

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following:

- 1) Interest in pursuing one, or a combination of the medical specialties of family practice, internal medicine, pediatrics, or obstetrics/gynecology;
 - 2) Previous experience with medically underserved populations;
 - 3) Previous experience in the health care delivery system, with preference given to those whose experience has involved one of the primary care specialty areas;
 - 4) Academic capabilities as reported by the applicant's medical school;
 - 5) Financial need as reported by standard financial analysis documentation supplied by the applicant's medical school on the student's behalf;
 - 6) Greater number of years of medical school remaining;
 - 7) Stated interest in providing primary health care to Illinois citizens residing in designated shortage areas of Illinois;
 - 8) Most number of years of residence in Illinois;
 - 9) United States citizens, or granted permanent residence in the United States by the Immigration and Naturalization Service.
- b) If applicants demonstrate equally all of the above characteristics, preference will be given to those interested in pursuing the specialty of family practice.
- c) Of all applicants, priority is given to those individuals who have previously received a Medical Student Scholarship, providing that:
- 1) Recipient requests, in a format determined by the Department, a continuation of scholarship funds;
 - 2) Recipient would not be repeating the same year of school for the second consecutive year because of poor academic performance;
 - 3) Recipient has not voluntarily withdrawn from medical school.
- d) Selection criteria will be applied with advice and review by the Advisory Committee.

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Section 590.230 Terms of Performance

- a) Each scholarship recipient shall sign a written contract (See Appendix A). The contract may contain additional terms and conditions which ensure compliance with this Part, the laws of the State of Illinois, and enforcement of the contract.
- b) Scholarship recipients who fail to complete medical school due to academic failure, as documented by recipient's school, shall be discharged from all obligations.
- c) Scholarship recipients who fail to complete medical school due to voluntary actions on their part shall repay to the Department all scholarship monies. Repayment shall be made in such a manner as agreed to by the recipient and the Department in the recipient's contract (See Appendix A).
- d) In the event the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship's obligations, these obligations shall be suspended until such time as the scholarship recipient is able to resume the scholarship obligations. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing, under the Director's signature.
- e) Scholarship recipients who in their third year of medical school seek a residency training program in other than a primary care specialty shall have their eligibility for scholarship funds for their final year of medical school suspended until such time as the residency matching process is complete.
 - 1) If the recipient is notified by the National Resident Matching Program, or directly by a residency not participating in the National Resident Matching Program, of acceptance into a non-primary care residency, no funds will be provided for the final year of medical education.
 - 2) If the recipient has requested a non-primary care residency but is matched to a primary care residency instead and agrees to the match, scholarship funds for the final year of medical education will again be made available.
- f) Misrepresentation of the facts presented in the recipient's application will be considered a breach of contract. The recipient's school will be notified to halt further disbursements of scholarship funds and all funds provided by the Department to the student shall be due in full, immediately.

Section 590.240 Scholarship Repayment

- a) Upon the Illinois licensure of the scholarship recipient to practice medicine, the recipient shall provide primary health care in a designated shortage area of Illinois. The term of this service shall be ONE YEAR FOR EACH YEAR HE OR SHE IS A SCHOLARSHIP RECIPIENT.
- b) Service as a primary care physician shall begin no later than 30 days after the licensure of the recipient to practice medicine.
 - 1) Service may be deferred by the Department until recipient completes a primary care residency; service shall begin no later than 30 days after completion.
 - 2) If recipient leaves the residency program prior to completion, service shall begin within 30 days.
- c) Upon written approval of the Department, service may be deferred until 30 days following completion of a fellowship in a primary care specialty.
- d) The recipient's internship, residency or other advanced clinical training does not qualify as service repayment of the scholarship obligation.
- e) Written approval of the Department for a proposed practice location must be requested and received by the scholarship recipient.
 - 1) Without such approval, time in practice at such a location will not meet scholarship recipient's service obligation.
 - 2) The scholarship recipient may request and receive approval for a practice location up to 18 months preceding the time practice at the location is to begin.
 - 3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation.
- f) The scholarship recipient's practice must meet the following requirements:
 - 1) Be located in a designated shortage area(s) (See Subpart E);
 - 2) Be a full-time, office-based practice providing direct patient care (See Subpart A, Section 590.20 for definition of full-time, by primary care specialty);
 - 3) Be in one, or in a combination of the primary care specialties;

and

- 4) Be provided in continuous service at the rate of 12 months for each academic year of medical school supported by the scholarship.
- g) Scholarship recipients may relocate to another practice location, or practice in more than one location if prior written approval is granted by the Department.
- h) Scholarship recipients shall enter into a written contract (See Appendix B) with the Department which describes terms of the service obligation and contains provisions for enforcement of the contract.
- i) SCHOLARSHIP RECIPIENTS WHO FAIL TO provide service as required SHALL PAY TO THE DEPARTMENT A SUM of money EQUAL TO 3 TIMES THE AMOUNT OF THE AVERAGE ANNUAL SCHOLARSHIP award FOR EACH YEAR, or portion thereof, THE RECIPIENT FAILS TO FULFILL the service OBLIGATION (Section 10 of the Act).
 - 1) Payment shall be made in equal monthly installments in such amounts so all sums due will be paid within a period of time equal to the recipient's service term, or remaining portion thereof, or as otherwise approved by the Department.
 - 2) Recipient and Department shall enter into a written contract (See Appendix C) which describes terms of the repayment and contains provisions for enforcement of the contract.

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section 590.300 Limitations on Use of Loan Repayment Funds

- a) Funds are to be used FOR THE REPAYMENT OF THE EDUCATIONAL LOANS OF PRIMARY CARE PHYSICIANS WHO AGREE TO SERVE IN DESIGNATED SHORTAGE AREAS FOR A SPECIFIED PERIOD OF TIME, NO LESS THAN 2 YEARS.
- b) PAYMENTS MAY BE USED FOR THE PRINCIPLE, INTEREST AND RELATED EXPENSES OF GOVERNMENT AND COMMERCIAL LOANS RECEIVED BY THE INDIVIDUAL AND USED FOR TUITION EXPENSES, AND ALL OTHER REASONABLE EDUCATIONAL EXPENSES INCURRED BY THE INDIVIDUAL.
- c) THE MAXIMUM ANNUAL PAYMENT WHICH MAY BE MADE TO AN INDIVIDUAL UNDER THIS LAW IS \$20,000 OR 25 PERCENT OF THE TOTAL COVERED EDUCATIONAL INDEBTEDNESS, WHICHEVER IS LESS.
- d) PAYMENTS MADE SHALL BE EXEMPT FROM ILLINOIS STATE INCOME TAX. (Payments are not exempt from federal income tax.)

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- e) Funds may not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or governments, or those in other states (Section 4.10 of the Act).

Section 590.310 Eligibility for Application

- a) Any Illinois licensed physician who intends to, or is practicing in a primary care specialty in a designated shortage area of Illinois may apply for educational loan repayment.
- b) Applicants must document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's medical degree. Such documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to date of application.
- c) Applicants must be practicing, or be willing to practice, full-time in a designated shortage area(s) in Illinois.
- d) Applicants not yet in practice, or not yet in practice in a designated shortage area(s) of Illinois, must document intent to do so by written confirmation from a community-based organization or agency, or from other physicians located within the designated shortage area.
- e) Physicians having practice obligations to the National Health Service Corps or the Illinois Medical Student Scholarship Program may apply for educational loan repayment after completion of the practice obligation.

Section 590.320 Selection Criteria for Distribution of Loan Repayment Funds

- a) When numbers of applications are sufficient to support a geographical separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.
- b) Of the urban grouping, an equal number of applicants will be selected from Chicago and from the remaining urban areas in the State, when possible.
- c) Preference will be given to applications from physicians who have been recruited by or are actively involved with a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health

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care in its area.

- d) When all other selection criteria are essentially equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.
- e) Applications from physicians received by the Department will be reviewed on a quarterly basis and the following priority classifications of the location and other characteristics of the practice will be applied:

1) Rural Selection Priority Classifications, From Highest to Lowest

- A) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in area, and endorsed by community-based group or organization.
- B) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in area, with no endorsement by community-based group or organization.
- C) Population-to-primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, new physician establishing practice in area, and endorsed by community-based group or organization.
- D) Population-to primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, new physician establishing practice in area, with no endorsement by community-based group or organization.
- E) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility
- F) Population-to-primary care physician ratio of at least 2400:1, physician with practice in the area for 24 months or less.
- G) Population-to-primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, physician with practice in the area for 24 months or less.
- 2) Urban Selection Priority Classifications, From Highest to Lowest
- A) Population-to-primary care physician ratio of at least

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3000:1, new physician establishing practice in area, and endorsed by community-based group or organization.

- B) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in area, and no formal endorsement from community-based group or organization.
- C) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility.
- D) Population-to primary care physician ratio of at least 3000:1, physician with practice in the area for 24 months or less.
- F) Applications will be accepted between July 1 and September 30 and considered for funding according to the criteria described in 590.320(f). If all funds are not expended, subsequent application cycles will extend from October 1 to December 31, January 1 to March 31, and April 1 to June 30.

Section 590.330 Terms of Performance

- a) Each physician selected for educational loan repayment shall sign a written contract (See Appendix D) with the Department. The contract may contain additional terms and conditions which ensure compliance with the laws of the State of Illinois, and enforcement of the contract.
- b) Physicians selected for loan repayment must practice as a primary care physician in a designated shortage area on a full-time basis (See Subpart A, Section 590.20 for definition of full-time, by primary care specialty).
- c) If Loan repayment recipients move their practice from the location described in the recipient's original application without written approval from the Department, all educational loan repayment will cease immediately and will result in termination of the loan repayment contract. The recipient will be eligible to reapply for the loan repayment program and be considered among all other applicants.
- d) Loan repayment recipients must make loan payments, then present documentation of payment (i.e., cancelled checks) to the Department. Direct payments to recipients will be made on a quarterly basis.
- e) Misrepresentation of the facts presented in the application will be considered a breach of contract. Any funds provided by the

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Department for the repayment of educational loans shall be due immediately in full.

SUBPART E: DESIGNATION OF SHORTAGE AREAS
Section 590.400 Data Elements Used in Designation Process

- a) Population counts and demographic information describing a rational service area are those available in the most recently published population estimates or census prepared by the U.S. Department of Commerce, Bureau of the Census.
- b) Information regarding physicians practicing in an area is collected by Department staff. Such information includes specialty, practice location(s), amount of time in practice per week, and approximate or exact age of physician.
- c) Full-time-equivalencies for primary care physicians are calculated comparing a physician's office hours per week to that reported nationally by the American Medical Association (See Subpart A, Section 590.20).
- d) Number of obstetricians providing patient care in a particular year in Illinois will be obtained from the American Medical Association's Center for Health Policy Research.
- e) Number of births in a particular year in Illinois will be obtained from the Department.

Section 590.410 Criteria for Designating Shortage Areas

- a) Shortage areas may include the following:
 - 1) AN URBAN OR RURAL AREA WHICH IS A RATIONAL AREA FOR THE DELIVERY OF HEALTH SERVICES;
 - 2) A POPULATION GROUP;
 - 3) A PUBLIC OR NONPROFIT PRIVATE MEDICAL FACILITY.
 (Section 3.04 of the Act)
- b) Areas and population groups designated by the U.S. Department of Health and Human Services as having shortages of primary care physicians shall qualify for purposes described in this Part.
- c) Additional areas will be designated using the following criteria:

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- 1) Urban service areas with a population-to-primary care physician ratio of at least 3000:1;
- 2) Rural service areas with a population-to-primary care physician ratio of at least 2400:1;
- 3) Rural service areas with a population-to-primary care physician ratio between 1800:1 and 2399:1, and where one-third of the primary care physicians are 60 years of age or older;
- 4) Urban or rural areas where board certified pediatricians or obstetrician/gynecologists are not practicing within the service area, and where there is sufficient need to support a full-time practice.
- 5) Rural service areas where the obstetricians having admitting privileges at a hospital with an obstetrical unit perform more deliveries per year than the statewide average obtained by dividing the number of obstetricians providing patient care in Illinois by the number of births in Illinois in a year; and where the existing obstetricians express, in writing, their need for additional obstetricians
- d) Facilities whose mission is to provide care to underserved populations will be designated for purposes of this Part. Such facilities include:
 - 1) Local health departments which establish primary care clinics, offering direct patient care on either a full or part-time basis;
 - 2) Any community health center or its satellite in Illinois which is funded through Section 500 of the Public Health Service Act;
 - 3) Health clinics which can document that at least 75 percent of their patients are a combination of the following:
 - A) Medicaid eligible, or
 - B) Qualify for reduced fees based on a sliding fee scale using as an upper limit 200 percent of the Federal poverty level, as published annually in the Federal Register.

Section 590.420 Distribution of Lists of Designated Shortage Areas

- a) At least annually, updated listings of designated shortage areas will be provided to all recipients of Medical Student Scholarships made under this Part.

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- b) Listings of designated shortage areas will be made available to interested individuals and organizations who request listings from the Department.
- c) Notification of designation as a shortage area will be provided to local health departments, hospitals, primary care physicians and community-based organizations.

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Appendix A Sample Contract for Medical Student Scholarship (Student Contract)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS

S T U D E N T C O N T R A C T

The Illinois Department of Public Health (Department) and

hereby agree as follows:

(Name of Student)

1) The Department shall pay the sum of \$ to

(Name of Medical School)

on behalf of Student pursuant to the Family Practice Residency Act, (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq.) as amended, which is made a part hereof and fully incorporated herein.

2) All funds paid to Student through the above named organization by Department pursuant to this Contract constitute a scholarship which shall be repaid to Department by Student unless Student is excused from repayment by Department pursuant to the terms of this Contract.

3) If Student fails to complete medical studies because of academic failure, Student shall be discharged from any and all obligations under this Contract.

4) If Student fails to complete medical studies for any reason other than academic failure, death or permanent disability, Student shall repay to Department all funds paid pursuant to this Contract. Repayment shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the period of time funds were paid, or as otherwise approved by Department. Payments shall begin within 30 days after Student leaves medical school.

5) If Student dies or suffers total and permanent disability either while pursuing studies under this Act or, after Student's medical degree, while engaging in medical practice in Illinois up to the onset of fatal illness or such disability, the scholarship or any balance due on it shall be excused and deemed satisfied.

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6) Student's service term shall begin within 30 days of Student's licensure to practice medicine, except that service may be deferred until completion of an approved residency program in primary care. In all cases where service is deferred, service shall begin within 30 days after Student leaves residency program.

7) Student may request an emergency deferment because of temporary personal disability or to fulfill family obligations which delay the start of Student's medical practice. Emergency deferments will be granted on a quarterly basis, at the discretion of Department. Student shall begin medical practice within 30 days of the ending date of the emergency deferment.

8) Upon Student's licensure to practice medicine or completion of an approved residency program in primary care, Student shall agree to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in only the designated shortage areas in Illinois approved as a practice site(s) for that individual. Full-time practice is defined in the Family Practice Residency Code, (77 Ill. Adm. Code 590). Upon request Student shall confirm, in writing, the location and office hours of the medical practice. The terms of this service shall be at the rate of one year of full-time service for each school year, or portion thereof that funds were paid.

9) If Student fails to perform any of the foregoing terms and conditions of this Contract, Student shall, in accordance with the Family Practice Residency Act, pay to Department a sum of money equal to three times the amount of the average annual scholarship grant for each year recipient fails to fulfill such obligation. Payment shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to Student's remaining service term or as otherwise approved by Department. Payments shall begin within 30 days after Student fails to perform any of the terms and conditions of this Contract. In the event that Student fails to pay any required installment to Department, Department may file suit to collect all sums and future sums due and owing under this Contract.

10) Student shall inform Department, in writing, within fourteen days of any of the following changes:

- a) status as a student
- b) address
- c) illness, disability, or family considerations affecting obligations of this Contract

11) Notwithstanding any other provisions of this agreement, Student shall repay in full all funds received by Student pursuant to this agreement in the event of breach of any provisions of this agreement by Student within

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60 days of written demand of Department.

- 12) Student shall pay all costs of suit, including attorney fees, and all collection costs in the event Department shall prevail in suit for money damages against Student pursuant to this Contract.
- 13) This Contract shall be governed in all respects by the laws of the State of Illinois.
- 14) This Contract may not be amended without prior written approval of both Department and Student.
- 15) This Contract may not be sold, assigned or transferred in any manner.
- 16) Department and Student understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited herein or incorporated herein, or referenced herein shall be binding upon either Department or Student.
- 17) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.
- 18) Student hereby certifies that Student has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Student made an admission of guilt of such conduct which is a matter of record.
- 19) Student agrees to comply with the provisions of the Illinois Purchasing Act prohibiting conflict of interest (Ill. Rev. Stat. 1989, ch. 127, pars. 132.11-1 through 132.11-5).
- 20) The Student certifies that Student is not in default on an educational loan as provided in AN ACT in relation to educational loans (Ill. Rev. Stat. 1989, ch. 127, par. 3551-3553).
- 21) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments to such Law, provided that obligations of Student shall not be increased.
- 22) The Contractor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.) and agrees to act in conformity with 44 Ill. Adm. Code 750 app. A.
- 23) The Contractor agrees to comply with the Federal Civil Rights Act of 1964, the Federal Rehabilitation Act of 1973, and all other federal and State of

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Illinois laws, regulations or orders which prohibit discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, or physical or mental handicap.

- 24) In the event any portion of this Contract is held invalid by any court of law, the remaining terms and conditions shall remain in full force and effect.
- 25) Obligations of Student shall remain in full force and effect until Student has either fulfilled the service obligation pursuant to the Family Practice Residency Act or repaid all funds to Department pursuant to the terms of this Contract.
- 24) The term of this Contract is for the period July 1, 19__ through June 30, 19__. It is further understood between the parties hereto that this Contract is subject to appropriations to Department, in subsequent years, for the purpose herein described.
- 25) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.

Executed _____ day of _____, 19__.

Student _____

Bernard J. Turnock, M.D.
Director of Public Health

Social Security Number _____

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Appendix B Sample Contract for Scholarship Service Obligation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS

S E R V I C E C O N T R A C T

For Awards Made Before July 1986

The Illinois Department of Public Health (Department) and _____ (Contractor) hereby agree as follows:

- 1) Paragraph _____ of Contract # _____ signed by Department and Contractor on _____ requires Contractor to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in designated shortage areas in Illinois approved as practice site(s) for that individual. A copy of Contract # _____ is attached and incorporated herein.
- 2) The Contractor received \$ _____ in academic year 19____-19____; \$ _____ in academic year 19____-19____; \$ _____ in academic year 19____-19____; totaling \$ _____. Copies of the State of Illinois documents verifying award amounts are attached and incorporated herein.
- 3) Contractor agrees to serve as a primary care physician at a rate of one year of full-time service for each school year or portion thereof that funds were provided except that no more than three years of service shall be provided. Contractor was provided funds for the academic years detailed in item 2 above. Uninterrupted service shall begin _____ and end _____. Uninterrupted service is defined as continual full-time patient care except for time allowed for continuing education, vacation, personal time, or sick time at the rate permitted by written policies of contractor's employer or as approved by the Department, at the sole discretion of the Department. The approved practice location shall be _____.
- 4) Full-time practice for an _____ is defined as _____ () hours a week of direct patient care at the approved practice site(s) when services are not provided to office patients in the hospital setting.
- 5) If Contractor becomes disabled the terms and conditions of this Contract shall be suspended until such time as Contractor is able to resume

repayment.

- 6) In the event the Contractor fails to perform any of the foregoing terms and conditions of this Contract, Contractor shall, in accordance with the Family Practice Residency Act, pay to the Department a sum of money equal to three times the amount of average scholarship grants for each year Contractor fails to fulfill such obligations. Payments shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the Contractor's remaining service term or as otherwise approved by the Department. Payments shall begin 30 days after Contractor fails to perform any of the terms and conditions of this Contract. In the event the Contractor fails to pay required installments to the Department, Department may file suit to collect all sums and future sums due and owing under this Contract.
- 7) Contractor shall pay all costs of suit including attorney's fees and all collection costs, in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.
- 8) Contractor shall inform Department in writing within fourteen days of any of the following changes:
 - a) status of employment,
 - b) address,
 - c) illness, disability, or family considerations affecting obligations of this Contract.
- 9) This Contract shall be governed in all respects by the laws of the State of Illinois.
- 10) This Contract may not be amended without prior written approval of both Department and Contractor.
- 11) This Contract may not be sold, signed or transferred in any manner.
- 12) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.
- 13) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.
- 14) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.

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15) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.

16) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.

Executed this _____ day of _____, 19__.

Contractor

Bernard J. Turnock, M.D.
Director of Public Health

Social Security Number

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

**ILLINOIS DEPARTMENT OF PUBLIC HEALTH
FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS**

SERVICE CONTRACT

For Awards Made After June 1986

The Illinois Department of Public Health (Department) and (Contractor) hereby agree as follows:

- 1) Paragraph of Contract # signed by Department and Contractor on requires Contractor to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in designated shortage areas in Illinois approved as practice site(s) for that individual. A copy of Contract # is attached and incorporated herein.
- 2) The Contractor received \$ in academic year 19 -19 ; \$ in academic year 19 -19 ; \$ in academic year 19 -19 , totaling \$. Copies of the State of Illinois documents verifying award amounts are attached and incorporated herein.
- 3) Contractor agrees to serve as a primary care physician at a rate of one year of full-time service for each school year or portion thereof that funds were provided except that no more than three years of service shall be provided. Contractor was provided funds for the academic years detailed in item 2 above. Uninterrupted service shall begin and end . Uninterrupted service is defined as continual full-time patient care except for time allowed for continuing education, vacation, personal time, or sick time at the rate permitted by written policies of contractor's employer or as approved by the Department, at the sole discretion of the Department. The approved practice location shall be .
- 4) Full-time practice for an is defined as () hours a week of direct patient care at the approved practice site(s) when services are not provided to office patients in the hospital setting.
- 5) If Contractor becomes disabled the terms and conditions of this Contract shall be suspended until such time as Contractor is able to resume repayment.
- 6) In the event the Contractor fails to perform any of the foregoing terms

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

and conditions of this Contract, Contractor shall, in accordance with the Family Practice Residency Act, pay to the Department a sum of money equal to three times the amount of average scholarship grants for each year Contractor fails to fulfill such obligations. Payments shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the Contractor's remaining service term or as otherwise approved by the Department. Payments shall begin 30 days after Contractor fails to perform any of the terms and conditions of this Contract. In the event the Contractor fails to pay required installments to the Department, Department may file suit to collect all sums and future sums due and owing under this Contract.

7) Contractor shall pay all costs of suit including attorney's fees and all collection costs, in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.

8) Contractor shall inform Department in writing within fourteen days of any of the following changes:

- a) status of employment,
- b) address,
- c) illness, disability, or family considerations affecting obligations of this Contract.

9) This Contract shall be governed in all respects by the laws of the State of Illinois.

10) This Contract may not be amended without prior written approval of both Department and Contractor.

11) This Contract may not be sold, signed or transferred in any manner.

12) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.

13) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.

14) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.

15) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.

16) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.

Executed this _____ day of _____, 19__.

Contractor

Bernard J. Turnock, M.D.
Director of Public Health

Social Security Number

Appendix C Sample Contract for Monetary Repayment of Scholarship Obligation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS

R E P A Y M E N T C O N T R A C T

The Illinois Department of Public Health (Department) and _____
(Contractor) hereby agree as follows:

- 1) Item ____ of the Contract signed by Department and Contractor on _____
awarded through the Family Practice Residency Act to repay funds awarded,
including a liquidated damages payment, rather than practice medicine in
an underserved area of the State. A copy of the Contract is attached and
shall become a part of this Contract.
- 2) The Contractor has elected to repay required funds in lieu of completing
the practice commitment.
- 3) The Contractor received \$ _____ in academic year 19 ____-19 ____; \$ _____ in
academic year 19 ____-19 ____; \$ _____ in academic year 19 ____-19 ____; \$ _____ in
academic year 19 ____-19 ____; totaling \$ _____. Copies of State of Illinois
documents verifying award amounts are attached and shall become a part of
this Contract.
- 4) The Family Practice Residency Act requires a sum equal to three times the
amount of the annual scholarship grant for each year the Contractor fails
to fulfill the obligation in an underserved area.
- 5) The total amount due the Illinois Department of Public Health is
\$ _____. _____ monthly installments of \$ _____ are to be paid to the
Department pursuant to Item ____ of the Contract. The first payment is
due _____.
_____.
- 6) The repayment checks are to be made payable to "Illinois Department of
Public Health" and mailed to Illinois Department of Public Health,
Division of Financial Services, 535 West Jefferson Street, Springfield,
Illinois 62761, Attention: Manager-Fiscal Control. The payments are to
be postmarked on or before the first day of the month.
- 7) In the event the Contractor fails to pay the Department any required
installment, the Department may file suit to collect all sums and future
sums due and owing under this Contract.

- 8) Contractor shall pay all costs of suit, including attorney fees, and all
collection costs in the event the Department shall prevail in suit for
money damages against Contractor pursuant to this Contract.
- 9) If Contractor becomes disabled the terms and conditions of this Contract
shall be suspended until such time as Contractor is able to resume
repayment.
- 10) Contractor shall inform the Department, in writing, within 14 days of any
change of address or any disability affecting obligations of this Contract.
- 11) This Contract shall be governed in all respects by the laws of the State
of Illinois.
- 12) This Contract may not be amended without prior written approval of both
Department and Contractor.
- 13) This Contract may not be sold, assigned or transferred in any manner.
- 14) The Department and Contractor understand and agree that this Contract
constitutes the total agreement between them and that no promises, terms
or conditions not recited, incorporated, or referenced herein shall be
binding upon either Department or Contractor.
- 15) In the event the Family Practice Residency Act is amended while this
Contract is in effect, this Contract shall be amended automatically to
incorporate such amendments to such Law. However, obligations of
Contractor shall not be increased.
- 16) In the event any portion of this Contract is held invalid by any court of
competent jurisdiction, the remaining terms and conditions shall remain in
full force and effect.
- 17) This Contract shall remain in full force and effect until Contractor has
repaid all funds to the Department pursuant to the terms of this Contract.
- 18) Under penalties of perjury, I certify that the social security number
shown below is my correct Federal Taxpayer Identification Number.

Executed this _____ day of _____, 19 ____.

Contractor _____

Bernard J. Turnock, M.D.
Director

Social Security Number _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Appendix D Sample Contract for Educational Loan Repayment

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY ACT
EDUCATIONAL LOAN REPAYMENTC O N T R A E T

The Illinois Department of Public Health (Department) and _____
(Contractor) agree as follows:

- 1) Contractor will provide patient care in the community or area indicated on the educational loan repayment application on a full-time basis, as defined in the Family Practice Residency Code, (77 Ill. Adm. Code 590) for a minimum period of two years.
- 2) Contractor will use funds to repay loans used only for educational purposes in pursuit of medical degree.
- 3) Contractor will provide the Department with photocopies of promissory notes or other evidence to document amount of indebtedness and the institutions owed.
- 4) Contractor will provide the Department with photocopies of cancelled checks to document payments Contractor has made for his/her educational loan indebtedness and for which reimbursement is sought from the Department.
- 5) If Contractor moves to a practice location in a lower priority classification, or moves from an urban to a rural location, or vice versa, all educational loan repayments will cease immediately.
- 6) Department will make educational loan repayments directly to the Contractor, or to the financial or educational institution holding the indebtedness. Retrospective payments will be made to the Contractor on a quarterly basis. Prospective payments on the Contractor's behalf will be made on a quarterly basis directly to the financial or educational institution holding the indebtedness, if so agreed by the lender.
- 7) Department will pay twenty-five percent of the educational loan indebtedness, or up to \$20,000 whichever is less, for each year Contractor practices in the selected underserved area or facility.
- 8) If Contractor ceases full-time practice in an underserved area or facility or moves from the originally selected underserved area or facility before

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

completing the required two years of practice, all sums paid to Contractor or paid on Contractor's behalf will be due to Department within 30 days of the practice change.

- 9) If Contractor moves from the approved practice area and the Department has made prospective payments to the financial or educational institution, Contractor must repay funds in direct proportion to the length of practice in the approved area.
- 10) Contractor shall pay all costs of suit, including attorney's fees and all collection costs, in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.
- 11) Contractor shall inform Department in writing within fourteen days of any changes in the following areas:
 - a) status of employment or practice
 - b) address
 - c) illness, disability, or family considerations affecting obligations of this Contract
- 12) This Contract shall be governed in all respects by the laws of the State of Illinois.
- 13) This Contract may not be amended without prior written approval of both Department and Contractor.
- 14) This Contract may not be sold, signed or transferred in any manner.
- 15) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.
- 16) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.
- 17) Contractor certifies he/she has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Contractor made an admission of guilt of such conduct which is a matter of record.
- 18) Contractor certifies he/she is not in default on any educational loans as provided in AN ACT in relation to educational loans (Ill. Rev. Stat. 1989, ch. 127, par. 3551-3553).
- 19) Contractor agrees to allow Department to request from the lending

ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 405
- 3) Section Numbers: 405.180 Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8, par. 9
- 5) A complete description of the Subjects and Issues Involved: This rulemaking establishes a uniform refund process in all races. It eliminates the description of circumstances when a refund can be achieved. Refunds are dealt with in the appropriate sections of the Illinois Racing Board for each type of race the Illinois Racing Board has established. The description and instances listed in this section are no longer needed to establish a uniform refund chart.
- 6) Will this proposed repealer replace an emergency repealer currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain an incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? Yes. 405.120, 14 Ill. Reg. 1224, January 9, 1990.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interest parties may comment on this proposed rulemaking: All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comment it receives within 30 days of the publication of this notice in the Illinois Register.

DEPARTMENT OF PUBLIC HEALTH
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institution an annual confirmation of the status of Contractor's educational loans.

- 20) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.
- 21) The Contractor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.) and agrees to act in conformity with 44 Ill. Adm. Code 750. App. A.
- 22) The Contractor agrees to comply with the Federal Civil Rights Act of 1964, the Federal Rehabilitation Act of 1973, and all other federal and State of Illinois laws, regulations or orders which prohibit discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, or physical or mental handicap.
- 23) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.
- 24) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.
- 25) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.

The term of this Contract is _____ through _____.
Executed this _____ day of _____, 19 _____.

Contractor
Bernard J. Turnock, M.D.
Director of Public Health

Social Security Number _____

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 14, 1990
- B) Types of small businesses affected: None
- C) Reporting, Bookkeeping, or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

PART 405
PARI-MUTUELS

Section	
405.10	State Director of Mutuels
405.20	Duties of the State Director of Mutuels
405.30	Mutuel Department Operations
405.40	Mutuel Employees
405.50	Totalizator (Repealed)
405.55	No Wagers After Start
405.60	Odds Board Control (Repealed)
405.70	Odds Board Update (Repealed)
405.80	Records of All Calculations
405.90	Number of Pari-Mutuel Tickets
405.100	Ticket Windows
405.110	Sale of Pari-Mutuel Tickets
405.120	Minimum Ticket Prices
405.130	Minimum Pay-Off-Minus Pools-Surcharge
405.140	Payments
405.150	Report Scratches
405.160	Number of Pools
405.170	Multiple of Wagering Pools
405.180	Failure of Starting Gate
405.190	Horses Scratched
405.200	"Official" Sign Final
405.210	Minors Barred
405.220	Lost Tickets
405.230	Mutilated or Altered Tickets
405.240	Information Window

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days, amended at 11 Ill. Reg. 12375, effective July 18, 1987, amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 405.180 Failure of Starting Gate

In a thoroughbred or quarter horse race, if the doors in front of any stall in a mechanically or electrically operated starting gate should fail to open, simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, ~~the following shall apply:~~

- a) If any horse is so prevented from starting, the entire amount in the win, place and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third in which case the horse shall be considered a starter for all pools in which the horse earned a placing and a non-starter in all other pools. However, there shall be no refund if the horse in part of an entry or "field".
- b) ~~If less than five horses in different betting interests leave the stalls, the entire amount wagered in the show pool shall be promptly refunded.~~
- c) ~~If less than four horses in different betting interests leave the stalls, the entire amount wagered in the place and show pools shall be promptly refunded.~~
- d) ~~If less than two horses leave the stalls, the entire amount wagered in the win, place, and show pools shall be promptly refunded.~~
- e) ~~Mutiple wagers in all races on which multiple wagering is permitted, except on the second half of the daily double/triple race, by 11/11/11, shall be section 403.100 if any horse is so prevented from starting, the entire amount wagered on any combination including that horse shall be promptly refunded.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____.)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: Pick N Wagering Pool
- 2) Code Citation: 11 Ill. Adm. Code 438

Section Numbers:	Proposed Action:
438.10	New Section
438.20	New Section
438.30	New Section
438.35	New Section
438.40	New Section
438.50	New Section
438.60	New Section
438.70	New Section
438.80	New Section
438.90	New Section
438.100	New Section
438.110	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(n)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a pari-mutuel wagering pool whereby the patron must combine the winners of a given number of races on a single program (the number designated by the numeral "N" in these rules). The rulemaking provides for carryover pools and circumstances governing mandatory distribution of the pools.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending this Part? No.
- 10) Statement of Statewide Policy Objectives: No local government unit will be required to increase expenditures as a result of this rulemaking.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Robert M. Podlasek
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 9, 1990
- B) Types of small businesses affected: No small businesses are affected.
- C) Reporting, bookkeeping or other procedures required for compliance: Same as currently.
- D) Types of professional skills necessary for compliance: Same as currently.

The full text of the Proposed Rule(s) begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: GENERAL RULES

PART 438
PICK N WAGERING POOL

Section	Pick N
438.10	Entries and Fields
438.20	Pool Calculations
438.30	Scratches
438.35	Dead Heats
438.40	Sale of Tickets
438.50	Name and Notice
438.60	Cancellation of Races
438.70	Limitation on Multiple Wagers Does Not Apply
438.80	Disclosure
438.90	Carryover Cap
438.100	Mandatory Distribution
438.110	

AUTHORITY: Implementing and authorized by Sections 9(a),(n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(n)).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 438.10 Pick N

A Pick N wager combines the winners of N consecutive races, N to be the number designated by the racing association, not to exceed the number of races on the days program. All Pick N wagers will be calculated in a pool which is entirely separate from all other wagering pools. "Pick N races" shall mean the N consecutive races designated for the Pick N.

Section 438.20 Entries and Fields

Entries and fields may race in Pick N races, unless they are prohibited by other Board rules relating to other types of multiple wagering rules. However, if any part of an entry or field is a starter in a race, the entry or field selection shall remain as the designated selection in that race and no refund or exchange of that ticket shall be permitted.

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NOTICE OF PROPOSED RULES

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Section 438.30 Pool Calculations

An organization may select either of the following formats for conducting Pick N pari-mutuel pools:

a) Daily Payout

- 1) Major Pool: Seventy-five percent (75%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- 2) Minor Pool: Twenty-five percent (25%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the Pick N races.
- 3) At the option of the organization licensee, the percentage divisions in sub-section (a) may be fifty percent.

b) Carryover Pool

- 1) The daily net pool plus any accumulated carryover pool, as defined in Section 438.30(b)(2), shall be distributed equally to holders of pari-mutuel tickets which correctly designate the N official winners of the Pick N races.
- 2) If no tickets are sold which correctly designate all N official winners of the Pick N races, seventy-five percent (75%) of the daily net pool shall be carried over and added to the next Pick N pool. This process shall be repeated each day that no ticket is sold which correctly designates all N official winners.
- 3) If no tickets are sold which correctly designate all N official winners of the Pick N races, twenty-five percent (25%) of the daily net pool shall be distributed equally to

holders of pari-mutuel tickets which correctly designate the most official winners of Pick N races.

Section 438.35 Scratches

In the event of a scratch in any Pick N race, the betting favorite in such race shall automatically be substituted on any Pick N ticket which included the scratched horse. The betting favorite shall be defined as the starter with the most dollars wagered in the win pool. In the event of a tie, the betting favorite shall be defined as the starter with the most dollars wagered in the win pool and with the lowest post position number.

Section 438.40 Dead Heats

If there is a dead heat for win between two or more horses in any Pick N race, all horses in the dead heat for win shall be considered equally as the winning horse in the race for the purpose of distributing the Pick N pools.

Section 438.50 Sale of Tickets

No Pick N ticket shall be sold, exchanged, or cancelled after the close of wagering on the first of the Pick N races.

Section 438.60 Name and Notice

The organization licensee may give a different name to the Pick N form of wagering but shall notify the Board of such choice of names. Each of the Pick N races shall be clearly designated in the program. Pick N tickets shall be clearly marked to indicate the type of wager.

Section 438.70 Cancellation of Races

If more than one-half of the number of races designated as Pick N races are cancelled or declared as no contest all Pick N tickets for that program shall be refunded and the Pick N cancelled. If one-half or fewer than one-half of the number of races designated as Pick N races are cancelled or declared as no contest, the distribution of the net amount of the Pick N pools shall be among the tickets which correctly designate the most winners in all the remaining races in such programs.

ILLINOIS RACING BOARD

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Section 438.80 Limitation on Multiple Wagers Does Not Apply

The provisions of 11 Ill. Adm. Code Section 405.170 which limit the number of multiple wagering races shall not prevent an organization licensee from implementing the Pick N.

Section 438.90 Disclosure

No person shall disclose the number of Pick N tickets sold or the number or amount of tickets selecting winners of the Pick N races prior to the time of the Stewards have determined the last race comprising the Pick N each day to be official.

Section 438.100 Carryover Cap

- a) An organization may elect to place a "cap" or limit, of at least \$50,000, on any carryover pool generated under section 438.30(b). If an organization elects to place a cap on the carryover pool it must so notify the Illinois Racing Board and advertise the same in the official program on every day the Pick N is offered.
- b) If a carryover cap is elected by the organization, the organization may elect either of the following formats for distribution of the carryover pool once the cap is reached:

- 1) On the first program following, the carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races; or

- 2) The carryover pool shall be distributed to holders of pari-mutuel tickets which correctly designate all official Pick N winners. If no tickets are sold which correctly designate all official winners, the carryover pool shall continue to the next race program and 100% of the daily net pool shall be distributed to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.

Section 438.110 Mandatory Distribution

- a) Each organization conducting a Pick N pool shall distribute the accumulated carryover pool on the last scheduled race program of the race meeting unless the organization elects to carryover the Pick N pool to a successive or intervening race meeting at the same racetrack. In no event shall a Pick N pool be carried more than seven (7) calendar days without a race program being conducted. An organization's election to carryover a Pick N pool to a successive or intervening race meeting shall be made on the first day the Pick N is offered and shall be communicated to the Executive Director and advertised in the official program.
- b) In the event of a mandatory distribution, the net Pick N pool including any carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- c) The Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Security and Admissions
- 2) Code Citation: 11 Ill. Adm. Code 1325
- 3) Section Numbers: 1325.130
Proposed Action: Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8, par. 9
- 5) A complete description of the Subjects and Issues Involved: This rulemaking will eliminate the compiling of reports for tax exempt credentials.
- 6) Will this proposed repealer replace an emergency repealer currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain an incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interest parties may comment on this proposed rulemaking: All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comment it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 14, 1990
 - B) Types of small businesses affected: None
 - C) Reporting, Bookkeeping, or other procedures required for compliance: Not applicable.
 - D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

PART 1325
SECURITY AND ADMISSIONS

Section Stable Enclosures Fenced
1325.10 Report of Arrival and Departure of Horses
1325.20 Stable Area Security
1325.30 Policing of Premises
1325.40 Admission to Parts of Premises
1325.50 Identification Cards and Badges
1325.60 Admission Statements
1325.70 State Admission Tax
1325.80 Admissions Records
1325.90 Board Approval of Tickets and Credentials
1325.100 Credentials and Ticket Specimens
1325.110 Tax Exempt Credentials
1325.120 Tax Exempt Credentials Report (Repealed)
1325.130 Track Responsible for Credentials
1325.140 Board Access to Records
1325.150 Turnstiles
1325.160 Admission to Track
1325.170 Revocation of Credentials
1325.180 Inspections and Searches
1325.190 Investigative Authority
1325.200

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975; filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. _____, effective _____.

Section 1325.130 Tax Exempt Credentials Report (Repealed)

- a) The operator must file reports with the Board containing all information relative to the issuance of tax exempt credentials or other evidence of right to enter grounds. These reports shall include:

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- 1) Classification or type of ticket or credential.
 - 2) The name of pass holder.
 - 3) Serial number of pass.
 - 4) The duties or official business of each pass holder.
- b) One complete report must be filed with the Board on or before 10 days after opening date of the race meeting and an additional supplementary report for the remainder of the meeting must be filed on the closing day. In the event that the Board employees have custody of requisitions prescribed by the Secretary of the Board, at the discretion of the Secretary, the filing of the above mentioned reports may be waived.
- c) A summary shall be prepared by the operator and/or employees of the Board indicating by classification the amount of tax exempt tickets or credentials printed, issued, voided and on hand in each instance. Said summaries are to be submitted to the Board on the closing day of each race meet.

(Source: Repealed at 14 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

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- 1) Heading of the Part: Trifecta Rules
- 2) Code Citation: 11 Ill. Adm. Code 409
- 3) Section Numbers: 409.75
Proposed Action: Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8, par. 9
- 5) A complete description of the Subjects and Issues Involved: This repeal will eliminate restrictions on Trifecta races. The Illinois Racing Board is in the process of eliminating generalized rules and replacing them with more specific rules in the appropriate sections and parts.
- 6) Will this proposed repealer replace an emergency repealer currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain an incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? Yes. 409.65 14 Ill. Reg. 1601, January 26, 1990.
409.85 14 Ill. Reg. 1849, February 2, 1990.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.

Time, Place, and Manner in which interest parties may comment on this proposed rulemaking: All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comment it receives within 30 days of the publication of this notice in the Illinois Register.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 14, 1990
- B) Types of small businesses affected: None
- C) Reporting, Bookkeeping, or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed repealer begins on the next page:

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PART 409
TRIFECTA RULES

Section

- 409.10 Trifecta Wager
409.20 Entries and Fields Prohibited
409.30 Winning Combinations
409.40 Dead Heat
409.50 Irregular Wagering Pattern
409.60 Special Conditions for Thoroughbred Trifecta Races (Repealed)
409.65 Trifecta Races
409.70 Special Conditions for Harness Trifecta Races (Repealed)
409.75 Restrictions on Thoroughbred Trifecta Races (Repealed)
409.80 Waiver of Rules (Repealed)
409.85 Restrictions on Harness Trifecta Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1980; codified at 5 Ill. Reg. 10894; emergency amendment at 9 Ill. Reg. 2532, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10270, effective June 21, 1985; amended at 14 Ill. Reg. _____, effective _____.

Section 409.75 Restrictions on Thoroughbred Trifecta Races (Repealed)

The following thoroughbred races shall not be carded as trifectas:

- a) races of more than 1¼ miles, or
- b) starter handicap races where the racing secretary has assigned weights.

(Source: Repealed at 14 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REHABILITATION SERVICES

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1) Heading of the Part: Financial Eligibility Criteria

2) Code Citation: 89 Ill. Adm. Code 687

3) Section Numbers: 687.100
Proposed Action: amendment

4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g)).

5) A Complete Description of the Subjects and Issues involved: DORS' clients protected income level has been increased to reflect changes in the Consumer Price Index for all Urban Consumers as determined by the United States Department of Labor. (Section 687.100(c)) DORS shall deduct from the recipient's share of the cost of services any monies expended by the recipient for disability related expenses. (Section 687.100(d))

Subsection 687.100(h)(2)(D), 687.100(h)(5) and (6) and 687.100(k)(1) and (2) are being deleted due to recommendations from HSP staff, as these rules represent obsolete situations. Other minor wording changes are being made.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation
10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

ILLINOIS REGISTER
DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 687
FINANCIAL ELIGIBILITY CRITERIA

Section
687.10 Applicability
687.100 Income
687.200 Assets

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8877, effective July 18, 1983; amended at 11 Ill. Reg. 7404, effective April 1, 1987; amended at 11 Ill. Reg. 7743, effective April 1, 1987; amended at 11 Ill. Reg. 11807, effective July 1, 1987; amended at 11 Ill. Reg. _____, effective _____.

Section 687.100 Income

- a) For all determinations of income, consider only non-exempt income, where the non-exempt income is actually received. Non-exempt income may be earned or unearned.
- b) Income for Eligibility Purposes
There is no income eligibility for the Home Services Program (HSP).
- c) Income for Cost Sharing Purposes

- 1) The non-exempt income of clients and their legally responsible relatives as defined in 89 Ill. Adm. Code 687.100 (e) and (f) shall be applied to the following Family Income Table:

Family Size:	1	2	3	4	5 or more
Protected Monthly Income:					
	\$426	\$639	\$722	\$895	\$add \$83 102
	524	786	888	990	for each additional person

Ms. Janice Lobb
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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2) The protected income level shown in the Family Income Table is considered to be necessary to meet the client and family needs. Non-exempt income above this amount is considered Excess Income which is available to meet some or all of the service needs of the client on the basis of the cost sharing formula. The income of family or others who are not considered legally responsible relatives or dependents is not considered.

d) Client Cost Sharing Formula

1) Clients who are determined to have Excess Income must participate in the cost of HSP services and sign a Cost Share Agreement (IL 488-0326). The cost share amount is 25% of the client's Excess Income. However, if a client is receiving HSP services prior to July 1, 1987, and if his/her cost share amount is less than 25% of Excess Income, that percentage of Excess Income shall remain unchanged when determining the cost share dollar amount in subsequent annual reassessments. Client-only disability related expenses paid out of pocket are deducted from the Client/Family Total Available Monthly Income. Disability related expenses include prescription drugs, supplies, assistive equipment, and hospital/medical bills.

2) The client cost share is to be paid directly by the client to the designated service provider(s) in the HSP service plan, who must also sign a Cost Share Agreement, where it is the responsibility of the service provider to secure the designated cost share amount from the client. The service provider retains the right to refuse to provide services if the client has failed to pay the cost share amount but the service provider should first request the assistance of local office staff in securing this payment.

3) If the amount of cost sharing exceeds the service cost, a client remains eligible, if he or she desires to receive indirect services through HSP local office staff such as assistance in locating service providers, or assistance in applying for benefits of other programs. However, HSP shall pay for direct services only in the amount of the HSP service cost minus the client cost share.

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4) Since the HSP service cost is based on a service plan that is designed to meet only the essential client needs for remaining in the home rather than in a nursing home or other institution, the total service plan must be provided. If a client fails to participate in required cost sharing, the client's health and well-being may be jeopardized. HSP cannot unnecessarily undertake the responsibility or liability for clients who do not cooperate in this manner. Therefore, if a client fails to cost share in the prescribed manner, the following actions may occur:

A) The client's service provider may cease providing services due to lack of payment, in which case they will notify the local office staff. Since the location of a service provider is essential to the provision of HSP services, if another service provider cannot be located, the case will be closed.

B) The client's service provider may provide only those services paid by HSP. HSP local office staff will review the service plan to determine if it represents only essential service needs. If it does not, it will be revised and a new client cost share amount will be required. In addition, client and family income will be reviewed for accuracy, and local office staff will provide the client with the counseling necessary to elicit client cooperation in the cost sharing plan.

C) If the client's health and well being ~~is~~ are jeopardized by the continued client or family failure to participate in cost sharing, the client's physician will be consulted to determine if HSP service provision can continue to be certified by the physician. If the physician no longer certifies HSP care, the case will be closed.

5) The cost share amount will be calculated only at the following times:

A) presumptive eligibility determination;

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- B) initial formal eligibility determination;
 - C) formal eligibility redetermination at least annually (see 89 Ill. Adm. Code 698.100 for frequency of redeterminations); and
 - D) change of financial eligibility.
- 6) The cost share amount can never exceed the cost of services provided in a given month.
 - 7) All changes of the cost share amount require a new Cost Share Agreement.

1) Family size includes the client's spouse and children, if living together, ~~OR~~ or client's parents and siblings if parents are considered legally responsible relatives and are living with the client.

2) A client's children are included only through age 20 and are not included if they are age 18 and they have established an independent living arrangement; a client's siblings are included only if parents are considered the client's legally responsible relatives ~~AND~~ and the siblings are under age 21 and have not established an independent living arrangement.

e) Definition of Legally Responsible Family

1) Legally responsible relatives are defined as the spouse, or the parents for children through age 20. These relatives must reside with the client unless the client is a student.

2) Do not count parent's income for dependents 21 years of age or older. Parents are not considered legally responsible relatives for children who are age 18 or above who have established "independent living arrangements." An "independent living arrangement" is the establishment of a separate residence. It may also include children who reside in the same household with their parents but who contribute more than one-half of their cost of housing, food and other expenses.

g) Income Determination

3) Students, defined under 89 Ill. Adm. Code 101.20, are not considered to have an independent living arrangement unless the parents contribute less than half of the educational and living costs of the students.

4) In certain situations, a client's parents may be legally responsible for the client but the client also has his own dependents (spouse/children) for whom the client is legally responsible, but for whom the client's parents are not legally responsible.

f) Definition of Family Size

h) Non-Exempt Earned Income

Monthly earned and unearned income of a client is determined at the time of initial and continuing eligibility determinations on the basis of income anticipated to be received during the 12 month eligibility period. This amount is determined by calculating the average monthly non-exempt earned income received by the client in the prior four month period, or if the averaged monthly income is at variance with the income expected to be received, on the anticipated income as reported by the client and documented or verified. All income is to be converted into monthly amounts.

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1) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.

2) The following recognized expenses of employment shall be deducted from gross earned income to determine Non-Exempt Earned Income:

- A) Withholding taxes (Ffederal and Sstate);
- B) Social Security tax;
- C) Transportation by the most economical means, not to exceed a cost of 19 24 cents per mile; shall be allowed as transportation expense;

B) Lunch supplementation;

- i) If earned from home 15 cents per working day to a maximum of \$3.00 per month;
- ii) If purchased at work 45 cents per working day to a maximum of \$9.00 per month;

D) Special tools and uniforms required by employment;

E) Union dues; *

F) Group life insurance premiums; *

G) Group health insurance premiums; * and

H) Retirement plan withholding. *

AGENCY NOTE:

- * Only if mandatory as a condition of employment
- 3) When the individual is self employed, accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the client shall be ineligible for HSP.

A) Business expenses shall be documented or verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.

B) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the appropriate employment expenses have been deducted. The earned income exemption, if applicable, shall be computed on the net income.

4) Money paid by roomers and/or boarders to an individual who represents himself as being self-employed in the business of renting rooms shall be considered earned income.

5) The following monthly expenses shall be allowed as deductions for a boarder:

- A) Replacement of towels and bed linen - \$1.50+
- B) Laundry - 55 cents for additional supplies when the recipient launders the linen or the roomer's per capita cost when laundry is done commercially;
- C) Food - if the roomer and boarder receives public assistance the allowance is the appropriate published standard; and if the roomer and boarder does not receive public assistance, the allowance is the appropriate published standard plus 25% of that standard; where the published standard is \$135/month for Cook, DuPage, Kane and Lake counties; and \$127/month for all other counties.

6) The applicable earned income exemption (see 89 Ill. Adm. Code 687.100(k)) shall be the only deduction allowed for a roomer.

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57) Income which a client receives from rental property which he owns shall be considered earned income if the management of the property is through the client's own efforts rather than through the efforts of another person or agency.

A) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental expenses include repairs, taxes, insurance, mortgage payments, and utilities, if the landlord pays them.

B) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a business rather than earned income from rental property.

B)(6) After deduction of rental expenses, appropriate employment expenses (see 89 Ill. Adm. Code 687.100(h)(2)) shall be deducted to determine net rental income.

68) The following payments from the Illinois Department of Children and Family Services shall be considered Non-Exempt Earned Income:

- A) Foster care intensive service for payment;
- B) Foster care monthly retainer for payment;
- C) Adoption subsidies; and
- D) Independent living arrangement payments to wards not living in foster homes.

79) Income received by individuals enrolled in on-the-job training programs through the Comprehensive Employment and Training Act (CETA), Job Training Partnership Act (JTPA), 29 U.S.C. 801 et seq., work experience programs through CETA/JTPA, and Public Service Employment programs through CETA/JTPA shall be considered earned income. The recognized employment expenses (see 89 Ill. Adm. Code 687.100(h)(2)) shall be

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deducted, and certain earnings (see 89 Ill. Adm. Code 687.100 Kk(4)) shall be exempt, but all remaining earnings shall be considered non-exempt.

810) Income from Earned Income Credit is considered earned income.

i) Non-Exempt Unearned Income

Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment. The following unearned income is non-exempt:

1) All currently available unearned income which is not specified as exempt shall be considered non-exempt.

2) Earmarked income is income restricted for the use of a specified individual by court order, or by legal stipulation of a contributor. Earmarked income shall be considered available only for the needs of the specified individual.

j) Protected Income

Supplemental Security Income (SSI) is protected income and is not included in Non-Exempt Income. An SSI lump sum payment is exempt income. The monies must be separately identifiable to be exempt.

k) Exempt Earned Income

1) For aged and disabled clients, excluding those who are legally blind, the first \$20 of gross earned income plus one-half of the next \$60 shall be exempt.

2) For legally blind clients, the first \$85 of gross earned income plus one-half of the amount in excess of \$85 shall be exempt.

13) Earned Income In-kind

A) Earned income in-kind is remuneration received in a form other than cash for services performed. Such remuneration shall include, but is not limited to, housing, food

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(except meals provided while working), satisfaction of a debt, or a service provided by the employer for the employee.

- B) Earned income-in-kind shall be exempt.
- 24) Income received under the following four ERTA JTPA Programs established by the Youth Employment and Demonstration Projects Act of 1977 (29 U.S.C. 802, 803, 845, 872, 891 et seq., 962, 968, 981, and 993 et seq.) is exempt:

- A) The Youth Incentive Entitlement Pilot Projects;
- B) The Youth Community Conservation and Improvement Project;
- C) The Youth Employment Training Programs; and
- D) The Youth Adult Conservation Corps

1) Exempt Unearned Income

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- 4) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- 6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans

- 7) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;

- 8) Income received under the provisions of the Illinois "Senior Citizens and Disabled Persons Property Tax Relief Act". (Ill. Rev. Stat. 1987, ch. 67, par. 404 (c)). This includes both the benefits commonly known as the "circuit breaker" and "additional grants";

- 9) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 U.S.C. 5044 (q)) These include:

- A) Volunteers in Service to America (VISTA) volunteers;
- B) Volunteers serving as senior health aids, senior companions, or foster grandparents;
- C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives;

- 10) Social Security death benefit expended on a funeral and/or burial;

- 11) The value of home produce which is used for personal consumption;

- 12) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1780 (b)) and the special food service program for children under the National School Lunch Act, as amended. (42 U.S.C. 1760);

- 13) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, 93-134 or 94-450. (25 U.S.C. 1470);

- 14) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626);

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15) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f));

16) That portion of an educational benefit, including but not limited to grants, scholarships or work-study, which is actually used for items such as tuition, books, fees, equipment, and transportation, necessary for school attendance shall be exempt.

A) Veterans of Educational Assistance

Income from educational benefits paid to a veteran or to a dependent of a veteran shall be exempt only to the extent that it is applied toward educational expenses.

B) Social Security Administration (SSA) Benefits

Income received as an SSA benefit paid to or for an individual and conditioned upon the individual's regular attendance in a school, college or university, or a course of vocational or technical learning, shall be exempt to the extent that it is applied toward educational expenses.

C) Loans and Grants

Income from educational loans and grants obtained and used under conditions that preclude their use for current living costs shall be exempt.

17) Income from educational loans and grants made or insured under any program administered by the Federal Commissioner of Education is totally exempt whether the grant is paid directly to the schools or to the student. These loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grants, Supplementary Educational Opportunity Grant, Work Study Grant, and the Guaranteed Loan Program.

18) The following incentive allowances shall be exempt:

A) National Training Services Grant

Incentive payments which the Department of Rehabilitation Services (DORS) authorizes to be paid to disabled persons receiving categorical Public Assistance and enrolled in the National Training Service Project.

B) Comprehensive Employment and Training Act (CETA) Program Job Training Partnership Act (JTPA)

Incentive payments of thirty dollars per week to clients enrolled in CETA JTPA training programs.

19) Unearned Income in-kind is payment made by an individual on behalf of or in the name of the client, and shall be exempt. When the client shares a dwelling unit with another family or individual(s), the exchange of cash for the purposes of satisfying payment of shelter related obligations shall not constitute an income in-kind payment and shall not be considered available to meet the needs of the person who receives and disburses the shelter-related payment.

(Source: Amended at Ill. Reg. _____, effective _____).

NOTICE OF PROPOSED RULE(S)

- 1) Heading of Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number
1010.453 Proposed Action
1010.454 New Section
New Section
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b))
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the criteria for the issuance of Retired Armed Forces license plates and Gold Star license plates. It provides who the license plates may be issued to and what vehicles they may be used for.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1010.170	New Section	14 Ill. Reg. 1851
1010.520	Amendment	14 Ill. Reg. 3022

- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

NOTICE OF PROPOSED RULE(S)

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel that this rulemaking will have any adverse effect on small businesses and so this rulemaking was not submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED RULE(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner--Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate-Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate-Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SECRETARY OF STATE

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SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits

SECRETARY OF STATE

NOTICE OF PROPOSED RULE(S)

- 1010.745 Signal 30 Permit for Foreign Registered Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency amendments at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendments at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 28, 1990; amended at 14 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED RULE(S)

Section 1010.453 Retired Armed Forces License Plates

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Vehicle Services Department within the Office of the Secretary of State.

"First Division Passenger Vehicles" - motor vehicles designed to carry not more than ten (10) persons as defined in Section 1-146 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-146).

"Second Division Motor Vehicles" - motor vehicles designed to carry more than ten (10) persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, as defined in Section 1-146 of the Illinois Vehicle Code.

- b) Any resident of the State of Illinois who has been a member of the U.S. Armed Forces may apply for Retired Armed Forces registration plates in accordance with Section 3-624 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-624). These special registration plates shall only be issued for first division vehicles and second division vehicles weighing eight thousand (8,000) pounds or less.

- c) An applicant wishing to obtain Retired Armed Forces plates shall submit proof of retired status from the Federal Government. Proof shall consist of the United States Uniformed Service Identification Card (DD Form 2). Applicants shall also submit the statutory annual registration fee as specified in Section 3-806 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-806).

- d) In order to obtain Retired Armed Forces plates:

- 1) if the present Illinois license plates expire within sixty (60) days, upon receipt of the preprinted renewal application, the applicant shall submit the renewal application, proper documentation as cited in subsection (c) of this rule, and the annual registration fee as specified in Section 3-806 of the Illinois Vehicle Code; or
- 2) if the present plates do not expire within sixty (60) days, the

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applicant shall submit his/her current registration identification card and current registration plates as well as the verification required in subsection (c). The applicant shall also pay a reclassification fee as provided in Section 3-802 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-802).

- e) All applications and inquiries regarding the Retired Armed Forces plates should be directed to the following:

Office of the Secretary of State
Non-Standard Plates Section
Centennial Building, Room 539
Springfield, Illinois 62756

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 1010.454 Gold Star License Plates

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Vehicle Services Department within the Office of the Secretary of State.

"First Division Passenger Vehicles" - motor vehicles designed to carry not more than ten (10) persons as defined in Section 1-146 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-146).

"Second Division Motor Vehicles" - motor vehicles designed to carry more than ten (10) persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, as defined in Section 1-146 of the Illinois Vehicle Code.

- b) Any resident of the State of Illinois who is the surviving spouse or parent (if there is no surviving spouse) of a person who lost his/her life while a member of the Armed Forces may apply for a Gold Star registration plate in accordance with Section 3-806.4 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-806.4). These special registration plates shall only be issued for first division and

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NOTICE OF PROPOSED RULE(S)

second division vehicles weighing eight thousand (8,000) pounds or less.

- c) An applicant wishing to obtain Gold Star plates shall complete an affirmation form prescribed by the Secretary of State. This affirmation form shall attest to the receipt of the Gold Star award and his/her status as eligible spouse or parent. Applicants shall also submit a fifteen (15) dollar fee plus the statutory annual registration fee as specified in Section 3-806 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-806). The applicant shall also pay an additional two (2) dollar fee at each renewal.

- d) In order to obtain Gold Star plates:

- 1) if the present Illinois license plates expire within sixty (60) days, upon receipt of the preprinted renewal application, the applicant shall submit the renewal application, proper documentation as cited in subsection (c) of this rule, and the registration fee as specified in subsection (c) of this rule; or

- 2) if the present plates do not expire within sixty (60) days, the applicant shall submit his/her current registration identification card and current registration plates as well as the verification required in subsection (c). The applicant shall also pay a reclassification fee as provided in Section 3-802 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-802) plus the additional \$15.00 fee as provided in subsection (c) of this rule.

- e) All applications and inquiries regarding the Gold Star plates should be directed to the following:

Office of the Secretary of State
Non-Standard Plates Section
Centennial Building, Room 539
Springfield, Illinois 62756

(Source: Added at 14 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Freight Bills and Bills of Lading
or Other Forms
- 2) Code Citation: 92 Ill. Adm. Code 1415
- 3) Section numbers:

1415.10	<u>Adopted Action:</u>	Amendment
1415.20		Amendment
1415.35		Amendment
- 4) Statutory Authority: Implementing Sections 18c-4807 and authorized by Section 18c-1202-9 of The Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch.95 1/2, pars. 18c-4807 and 18c-1202(9)).
- 5) Effective Date of Amendment: June 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 1, 1990
- 9) Notice of Proposal Published in Illinois Register:
December 15, 1989, at 13 Ill. Reg. 19339
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version:
The final version is identical to the proposal.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
There were no changes recommended.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: 92 Ill Adm. Code 1415: Freight Bills and Bills of Lading contains the Commission's rules concerning the content and the handling procedures for freight bills and bills of lading issued by common carriers of property by motor vehicles. Part 1415 implements Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

18c-4807 of the Illinois Commercial Transportation Law, which requires bills of lading or similar documentation. Section 18c-4807(2)(a) requires the Commission to prescribe simplified documentation for certain listed classes of carriers.

The Commission is also given the authority to prescribe such less burdensome documentation for other classes as the Commission may, from time to time, determine.

The Commission is amending Part 1415 to provide a simplified documentation for all classes of common carriers of property by motor vehicle.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1415

FREIGHT BILLS AND, BILLS OF LADING, OR OTHER FORMS

Section

1415.5 Application of Part 1415

1415.10 Freight Bills

1415.20 Bills of Lading or Other Forms

1415.30 Consecutive Numbering of Bills

1415.35 Retention of Bills or Forms

AUTHORITY: Implementing Section 18c-4807 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-4807 and 18c-1202(9)).

SOURCE: Adopted at 4 Ill. Reg. 23, p. 75, effective May 28, 1980; codified at 8 Ill. Reg. 8905; Part recodified at 10 Ill. Reg. 18002; amended at 11 Ill. Reg. 16112, effective October 1, 1987; amended at 14 Ill. Reg. 8583, effective June 1, 1990.

Section 1415.10 Freight Bills

- a) Every common carrier of property by motor vehicle shall, when collecting transportation charges, issue or cause to be issued a freight bill covering each shipment. One bill can cover more than one shipment provided the information required by subsections (b) and (c) is shown for each shipment included in the bill. The original of such freight bill shall be receipted on payment of the transportation charges.

- b) Each freight bill shall show:

- 1) The name and ~~motor~~ carrier-~~(the "MC")~~-number of the carrier;
- 2) The names of the consignor and consignee (the freight bill for reconsigned shipments need not show the name of the original consignor);
- 3) The dates the shipment was received by the carrier for transportation;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 4) The points of origin and destination (the freight bill for reconsigned shipments need not show the original shipping point);
- 5) The number of packages, description of the articles (actual description of the articles is not necessary if the shipment is being transported under an operating authority for general commodities, or packages or parcels, and if the shipment weighs less than 200 pounds, and the rates for the transportation do not vary based on the commodity transported) and weight, volume or measurement of the property transported (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement);
- 6) The exact rate or rates assessed;
- 7) The total charges to be collected, including a statement of the nature and amount of any charges for accessorial service, and the points at which such service was rendered; and
- 8) The route or movement indicating each carrier participating in the transportation service, and the transfer point or points through which the shipment moved. If more than one carrier provided service on a shipment, each carrier participating shall be named, along with the points, at which the freight was transferred.

- c) Each carrier freight bill shall relate to and be cross-referenced to a specific bill of lading, or other forms (see Section 1415.20).

(Source: Amended at 14 Ill. Reg. 8583, effective June 1, 1990)
Section 1415.20 Bills of Lading or Other Forms

- a) Every common carrier of property by motor vehicle shall, upon receipt of property for transportation, issue or cause to be issued a bill of lading or other forms.
- b) Each bill of lading or other form shall show:
 - 1) The names of the consignor and consignee;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) The points of origin and destination;
- 3) The number of packages (if applicable);
- 4) A description of the commodity(s) shipped (actual description of the articles is not necessary if the shipment is being transported under an operating authority for general commodities, or packages or parcels, and if the shipment weighs less than 200 pounds, and the rates for the transportation do not vary based on the commodity transported); and
- 5) The weight, volume or measurement (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement) of the property received.
- 6) Each bill of lading shall show the date the property was received by the carrier for transportation, and such date shall be the date observed for the purpose of assessing rates.

(Source: Amended at 14 Ill. Reg. 8583, effective June 1, 1990)

Section 1415.35 Retention of Bills or Forms

Freight bills and bills of lading, or other forms for each shipment transported under the authority of a license issued by the Illinois Commerce Commission must be kept as part of the records of the carrier.

(Source: Amended at 14 Ill. Reg. 8583, effective June 1, 1990)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois
- 2) CODE CITATION: 17 Ill. Adm. Code 810
- 3) SECTION NUMBERS: ADOPTED ACTION:
810.70 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)
- 5) EFFECTIVE DATE OF AMENDMENTS: May 21, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: May 18, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: February 16, 1990, 14 Ill. Reg 2419.
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
In the third line of the Authority Note, the spelling of the word "Codee" was corrected.

In the Source Note, the spelling of the word "effectiv" was corrected and "emergency expired February 8, 1990" was added immediately following "for a maximum of 150 days" for the September 11, 1989 emergency action.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: Section 810.70 was amended

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

to change the dates for "Free Fishing Days" in Illinois to the 1990 dates.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Kay Giacomini
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990;

DEPARTMENT OF CONSERVATION

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emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8588, effective May 21, 1990.

Section 810.70 Free Fishing Days

During the period of June 9, 10, 11 and 12, 1989, 9, 10 and 11, 1990, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a fishing license or salmon stamp.

(Source: Amended at 14 Ill. Reg. 8588, effective May 21, 1990)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Joint Rules of the Environmental Protection Agency and the Department of Public Health: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 183
- 3) Section Numbers: Appendix A
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 1401(d) of the Safe Drinking Water Act (43 U.S.C. 300f et seq.), Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1988)), the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.) and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 1 et seq.) and authorized by Sections 4(o) and 4(p) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004(o) and 1004(p)) and Sections 55.10 through 55.12 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 55.10 through 55.12).
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 16, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
If so, please specify date:
- 7) Does this rule (amendment, repealer) contain incorporations by reference? Yes. The Certificate of Approval of Incorporation by Reference was issued by the Joint Committee on Administrative Rules at its June 6, 1989 meet for the document entitled "The Determination of Inorganic Anions in Water by Ion Chromatography (March 1984)". (Attachment 1).
- 8) Date Filed in Agency's Principal Office: May 1, 1990
- 9) Notice(s) of Proposal Published in Illinois Register:
May 19, 1989, 13 Ill. Reg. 7561
- 10) Has JCAR issued a Statement of Objections to this (these) rules? If answer is "yes," please complete the following: No
A) Statement of Objection: , Ill. Reg.
(issue date)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

B) Agency Response: _____, _____, Ill. Reg. _____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR: _____

11) Differences between proposal and final version: Changes made in response to Joint Committee on Administrative Rules request are as follows:

a) The authority note now contains a specific citation to Section 1401(d) of the Safe Drinking Water Act.

b) In the "Notes" to Appendix A, subsection q. was added as follows:
"These incorporations do not include any later editions or amendments".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s) (Amendments, Repealer): The amendments set forth in this part permit the use of new methodologies and equipment which may be used for chemical analyses of public water supply samples for the following contaminants: Arsenic; Barium; Cadmium; Calcium; Chromium; Lead; Zinc; Nitrate; Silver; Copper; Iron; Manganese; Chloride; and Sulfate.

16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: Bobella Glatz
Address: Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 183

JOINT RULES OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
AND THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH:
CERTIFICATION AND OPERATION OF
ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section	Authority
183.105	Scope and Applicability
183.110	Definitions
183.115	Division of Authority
183.120	Certification Procedure
183.125	Conditions Governing the Use of Certificates
183.130	Subcontracting by Certified Laboratories
183.135	Performance Evaluation Samples
183.140	Authority of Certification Officers
183.145	Hearing, Decision and Appeal
183.150	Liability
183.155	Reciprocity Agreements
183.160	Reporting (repealed)
183.165	Public Inspection of Records
183.170	

SUBPART B: CHEMICAL ANALYSES OF PUBLIC WATER SAMPLES

Section	Scope and Applicability
183.205	Personnel
183.210	Physical Facilities
183.215	Laboratory Equipment
183.220	General Laboratory Practices
183.225	Methodology and Required Equipment
183.230	Sample Collecting, Handling and Preservation
183.235	Quality Control
183.240	Record Maintenance
183.245	Free Chlorine Residual and Turbidity
183.250	Action Response to Laboratory Results
183.255	

SUBPART C: MICROBIOLOGICAL ANALYSES OF PUBLIC WATER SUPPLY SAMPLES

Section	Scope and Applicability
183.305	Personnel
183.310	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

183.320 Laboratory Equipment
 183.325 Laboratory Glassware, Plastic Ware and Metal Utensils
 183.330 General Laboratory Practices
 183.335 Methodology
 183.340 Sample Collecting, Handling and Preservation
 183.345 Standards for Laboratory Pure Water
 183.350 General Quality Control Procedures
 183.355 Quality Control for Media, Equipment and Supplies
 183.360 Data Handling
 183.365 Record Maintenance
 183.370 Action Response to Laboratory Results

SUBPART D: RADIOCHEMICAL ANALYSES OF PUBLIC
 WATER SUPPLY SAMPLES

Section
 183.405 Scope and Applicability
 183.410 Personnel
 183.415 Physical Facilities
 183.420 Laboratory Equipment
 183.425 General Laboratory Practices
 183.430 Methodology and Required Equipment
 183.435 Sample Collecting, Handling and Preservation
 183.440 Quality Control
 183.445 Record Maintenance
 183.450 Action Response to Laboratory Results

APPENDIX A Methodology and Required Equipment for Chemical Analyses of
 Public Water Supply Samples

AUTHORITY: Implementing Section 1401(d) of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1988)), the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.) and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 1 et seq.) and authorized by Sections 4(o) and 4(p) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004(o) and 1004(p)) and Sections 55.10 through 55.12 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 55.10 through 55.12).

SOURCE: Adopted at 3 Ill. Reg. 34, p. 103, effective August 19, 1979; codified at 6 Ill. Reg. 14657; amended at 7 Ill. Reg. 13523, effective September 28, 1983; amended at 14 Ill. Reg. 8592
 effective May 16, 1990

Section 183.APPENDIX A Methodology and Required Equipment for Chemical Analyses of Public Water Supply Samples

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

PARAMETER	METHODOLOGY (unfiltered sample) ^N	EPA	SM ^B	USGS ^C	REFERENCE (METHOD NOS.) OTHER APPROVED METHODS
-senic	Atomic absorption; furnace technique	206.2	--	--	--
	Atomic absorption; gaseous hydride	206.3	301-A-VII	I-1062-78	D2972-788
	Spectrophotometric; silver diethyldithiocarbamate	206.4	404-A or 404-B(4)	--	02972-78A
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
rium	Atomic absorption; direct aspiration	208.1	301-A-IV	--	--
	Atomic absorption; furnace technique	208.2	--	--	--
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
idium	Atomic absorption; direct aspiration	213.1	301-A-II or -III	--	D3557-78A or -788
	Atomic absorption; furnace technique	213.2	--	--	--
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
romium	Atomic absorption; direct aspiration	218.1	301-A-II or -III	--	D1687-77D
	Atomic absorption; furnace technique	218.2	--	--	--
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
ad	Atomic absorption; direct aspiration	239.1	301-A-II or -III	--	D3559-78A or -788
	Atomic absorption; furnace technique	239.2	--	--	--
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
rcury	Manual cold vapor technique	245.1	301 A-VI	--	D3223-79
	Automated cold vapor technique	245.2	--	--	--
	Brucine colorimetric	352.1	419-D	--	D992-71
trate	Spectrophotometric; cadmium reduction	353.3	419 C	--	03867-798
	Automated hydrazine reduction	353.1	--	--	--
	Automated cadmium reduction	353.2	605	--	D3867-79A
	<u>Ion Chromatography</u>	<u>300.9^O</u>	--	--	--
lenium	Atomic absorption; furnace technique	270.2	--	--	--
	Atomic absorption spectrophotometry; hydride generation	270.3	301-A-VII	I-1667-78	03859-79
	Atomic absorption; direct aspiration	272.1	301-A-II	--	--
lver	Atomic absorption; furnace technique	272.2	--	--	--
	<u>Inductively Coupled Plasma</u>	<u>200.7^O</u>	--	--	--
	Potentiometric ion selective electrode	340.2	414-B	--	01179-728
uoride	Colorimetric method with preliminary distillation	340.1	414-A or -C	--	01179-72A
	Automated complexone method (alizarin fluoride blue)	340.3	603	--	--
	Automated electrode method	--	--	--	380-75ME ^E 129-71WF
	Colorimetric erichrome cyanine R method	--	--	I-3325-78	--
kalinity	Electrometric titration (only to pH 4.5)	310.1	--	--	--
	manual or automated, or equivalent automated methods	310.2	403	--	--

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200.7 306

- "Methods of Chemical Analysis of Water and Wastes," "U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA 600/4-79-020), March 1979. Available from ORD Publications, CERL, USEPA, Cincinnati, Ohio 45268. For approved analytical procedures for metals, the technique applicable to total metals must be used.
- "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association, (Washington, D.C., 1976).
- Techniques of Water-Resources Investigation of the United States Geological Survey, Chapter A-1, "Methods of Determination of Inorganic Substances in Water and Fluoride Sediments," Book 5, 1979, Stock #024-001-03177-9. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- 1982 Annual Book of ASTM Standards, Part 31, Water, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
- "Automated Electrode Method," Industrial Method #380-75WE, Technicon Industrial Systems, Tarrytown, New York, February 1976.
- "Fluoride in Water and Wastewater," Industrial Method 129-71W, Technicon Industrial Systems, Tarrytown, New York 10591, December 1972.
- Automated distillation may be substituted. Samples exceeding the maximum allowable concentration levels contained in 35 Ill. Adm. Code 604.202 (prior to codification Table I of the Illinois Pollution Control Board Rules and Regulations, Chapter 6; Public Water Supply) must be done by reference method.
- "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water," (1978). Available from ORD Publications, CERL, USEPA, Cincinnati, Ohio 45268.
- "Gas Chromatographic Methods of Analysis of Organic Substances in Water," Techniques of Water-Resources Investigation of the United States Geological Survey, Chapter A-3, "Methods for Analysis of Organic Substances in Water," Book 5, 1972, Stock #2401-1227. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- "The Analysis of Trihalomethanes in Finished Water by Purge and Trap Method," 44 Federal Register 68672-68682, (November 29, 1979).

- | Chemical | Method | Concentration | Unit | Notes |
|---------------------------------|---|--------------------|----------|----------|
| Calcium | Atomic absorption; direct aspiration | 215.1 | 301-A-II | -- |
| | Atomic absorption; furnace technique | 215.1 | -- | -- |
| | EDTA titrimetric | -- | 306-C | -- |
| | <u>Inductively Coupled Plasma</u> | <u>200.7</u> | -- | -- |
| Copper | Atomic absorption; direct aspiration | 220.1 | 301-A-II | -- |
| | Atomic absorption; furnace technique | 220.2 | -- | -- |
| | Colorimetric | -- | 308-B | -- |
| | <u>Inductively Coupled Plasma</u> | <u>200.7</u> | or -C | -- |
| Cyanide | Colorimetric with preliminary distillation ⁶ | 335.2 | 413-D | -- |
| Hydrogen ion (pH) | Electrometric measurement | 150.1 | 424 | -- |
| Iron | Atomic absorption; direct aspiration | 236.1 | 301-A II | -- |
| | Atomic absorption; furnace technique | 236.2 | -- | -- |
| | Colorimetric | -- | 310-A | -- |
| | <u>Inductively Coupled Plasma</u> | <u>200.7</u> | -- | -- |
| Manganese | Atomic absorption; direct aspiration | 243.1 | 301-A-II | -- |
| | Atomic absorption; furnace technique | 243.2 | -- | -- |
| | <u>Inductively Coupled Plasma</u> | <u>200.7</u> | -- | -- |
| Mercury | Atomic absorption; direct aspiration | 273.1 | -- | -- |
| | Flame photometric | -- | 320-A | -- |
| Organic phosphorus (phosphorus) | Glass fiber filtration, 180°C | 160.1 | 208-B | -- |
| Organic carbon | Atomic absorption; direct aspiration | 289.1 | 301-A-II | -- |
| | Atomic absorption; furnace technique | 289.2 | -- | -- |
| | <u>Inductively Coupled Plasma</u> | <u>200.7</u> | -- | -- |
| Organic nitrogen | Gas chromatography M. I | -- | 509-A | 03086-79 |
| Organic sulfur | Gas chromatography M. I | -- | 509-B | 03478-79 |
| Organic phosphorus and sulfur | Purge and trap | -- | -- | -- |
| Organic phosphorus and sulfur | Liquid/liquid extraction | -- | -- | -- |
| Organic phosphorus and sulfur | Gas chromatography/mass spectrometry | -- | -- | -- |
| Organic phosphorus and sulfur | Langellier Index | -- | 203 | -- |
| Organic phosphorus and sulfur | Aggressive Index | -- | -- | -- |
| Organic phosphorus and sulfur | Total filterable residue | 160.1 | 208-B | -- |
| Organic phosphorus and sulfur | Temperature | -- | 212 | -- |
| Organic phosphorus and sulfur | Calcium hardness | 215.2 | 306-C | -- |
| Organic phosphorus and sulfur | Alkalinity | 310.1 | 403 | -- |
| Organic phosphorus and sulfur | pH | 150.1 | 424 | -- |
| Organic phosphorus and sulfur | Chloride: potentiometric method | -- | 408-C | -- |
| Organic phosphorus and sulfur | Sulfate: ion chromatography | 300.0 ^P | 427-C | -- |
| Organic phosphorus and sulfur | Sulfate: turbidimetric method | 375.4 | -- | -- |
| Organic phosphorus and sulfur | Ion chromatography | 300.0 ^P | -- | -- |

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

1)	Heading of Part:	Title Insurance Act
2)	Code Citation:	50 Ill. Adm. Code 8100
3)	Section Number:	Adopted Action:
	8100.100	New Section
	8100.105	New Section
	8100.110	New Section
	8100.114	New Section
	8100.115	New Section
	8100.120	New Section
	8100.121	New Section
	8100.125	New Section
	8100.130	New Section
	8100.135	New Section
	8100.140	New Section
	8100.145	New Section
	8100.150	New Section
	8100.155	New Section
	8100.170	New Section
	8100.190	New Section
	8100.200	New Section
	8100.205	New Section
	8100.210	New Section
	8100.215	New Section
	8100.220	New Section
	8100.225	New Section
	8100.230	New Section
	8100.235	New Section
	8100.240	New Section
	8100.245	New Section
	8100.250	New Section
	8100.255	New Section
	8100.260	New Section
	8100.265	New Section
	8100.270	New Section
	8100.275	New Section
	8100.280	New Section
	8100.400	New Section
	8100.401	New Section
	8100.402	New Section
	8100.403	New Section
	8100.900	New Section
	8100.905	New Section
	8100.1000	New Section
	8100.1005	New Section

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Available from U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268.

k. "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," 44 Federal Register 68683-68689, (November 29, 1979). Available from U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268.

l. "Measurement of Trihalomethanes in Drinking Water by Gas Chromatography/Mass Spectrometry and Selected Ion Monitoring," (1982), U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268.

m. "AWMA Standard for Asbestos-Cement Pipe, 4 in. through 24 in. for Water and Other Liquids," (1977), AWMA C400-77, Revision of C400-75, AWMA, Denver, Colorado.

n. All other methods are considered alternative analytical techniques and may be substituted only if approved in accordance with 40 CFR 141.27 (1982).

o. 40 CFR 136, Appendix C, "Inductively Coupled Plasma -- Atomic Emission Spectrometric Method for Trace Element Analysis of Water and Wastes Method 200.7," (July 1, 1987).

p. "The Determination of Inorganic Anions in Water by Ion Chromatography -- Method 300.0," (1984). Available from U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268.

q. These incorporations do not include any later editions or amendments.

(Source: Amended at 14 Ill. Reg. 8592, effective May 16, 1990)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

8100.1100 New Section
 8100.1200 New Section
 8100.1300 New Section
 8100.1500 New Section
 8100.1505 New Section
 8100.1510 New Section
 8100.1515 New Section
 8100.1600 New Section
 8100.1700 New Section
 8100.1701 New Section
 8100.1702 New Section
 8100.1703 New Section
 8100.1704 New Section
 8100.1705 New Section
 8100.1706 New Section
 8100.1708 New Section
 8100.1710 New Section
 8100.1712 New Section
 8100.1714 New Section
 8100.1716 New Section
 8100.1718 New Section
 8100.1720 New Section
 8100.1722 New Section
 8100.1724 New Section
 8100.1726 New Section
 8100.1728 New Section
 8100.1730 New Section
 8100.1732 New Section
 8100.1734 New Section
 8100.1738 New Section
 8100.1740 New Section
 8100.1742 New Section
 8100.1744 New Section
 8100.1746 New Section
 8100.1748 New Section
 8100.1750 New Section
 8100.2010 New Section
 8100.2100 New Section
 8100.2102 New Section
 8100.2104 New Section
 8100.2106 New Section
 8100.2108 New Section
 8100.2110 New Section
 8100.2112 New Section
 8100.2114 New Section

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

8100.2116 New Section
 8100.2118 New Section
 8100.2120 New Section
 8100.2122 New Section
 8100.2124 New Section
 8100.2126 New Section
 8100.2128 New Section
 8100.2130 New Section
 8100.2132 New Section
 8100.2134 New Section
 8100.2136 New Section
 8100.2138 New Section
 8100.2140 New Section
 8100.2142 New Section
 8100.2144 New Section
 8100.2146 New Section
 8100.2148 New Section
 8100.2150 New Section
 8100.2152 New Section
 8100.2160 New Section
 8100.2400 New Section
 8100.2402 New Section
 8100.2405 New Section
 8100.3000 New Section

- 4) Statutory Authority: Public Act 86-239, effective January 1, 1990.
- 5) Effective Date of Rules: May 21, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 21, 1990
- 9) Notices of Proposal Published in Illinois Register:
 January 5, 1990, 14 Ill. Reg. 16
- 10) Has JCAR issued a Statement of Objections to these rules? Yes
 A) Statement of Objection: May 25, 1990, 14 Ill. Reg. 8209
 B) Agency Response: May 25, 1990, 14 Ill. Reg. 8205
 C) Date Agency Response Submitted for Approval to JCAR: May 10, 1990

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

Section 8100.100 modified to delete the word "license" and set out "Act" as the Title Insurance Act and "Department" as the Department of Financial Institutions.

Section 8100.105 modified to delete the word "license" and add the phrase "becoming aware of" after the words "days of" in line three.

Section 8100.110 modified to delete the word "license".

Section 8100.114 modified to delete the word "license" and add the phrase "except where the shares of the company are publicly traded" to the end of subsection (a)(6).

Section 8100.115 modified to delete the word "license" and add to the end of the last line after the word "new" the words "certificate of registration".

Section 8100.245 change Section of the Act from 11.b to 11.(c)(2).

Section 8100.275 and 8100.280 modified to delete the word "license".

Section 8100.1000 modified to replace "on" with "as of" after the word "annually".

Section 8100.1005 amended to read:

Each Company shall maintain a chronological record by date of each notice received which results in a revision or readjustment to the reserve against unpaid losses or loss expense.

Section 8100.1200 subsection (a) after the word "file" insert the phrase "or consumer complaint register".

Section 8100.1600 subsection (a),(b) and (c) amended to read:

a) Each Company shall make the annual filing of the required registration form for title insurance agents on or before February 1st of each year. Included with the filing shall be the annual fee computed in accordance with Section 14.(b) of the Act.

b) Each Company shall file at least monthly supplemental registrations for new title insurance agents. Each new title insurance agent shall be registered with the Department within thirty (30) days of the signing of the agency agreement. Included with the filing shall be any additional fee computed in accordance with Section 14.(b) of the Act.

DEPARTMENT OF FINANCIAL INSTITUTIONS

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c) No title insurance agent shall conduct business before:

1) having obtained errors and omissions insurance, if required by the terms of the agency agreement, in an amount acceptable to the title insurance company appointing the agent; and

2) being registered with this Department.

Section 8100.1706 amended to read:

An independent escrowee shall notify the Director, in writing, immediately after upon becoming aware of an entry of a money judgment in a civil action against the independent escrowee, or entry of a judgment involving moral turpitude against any independent escrowee, officer, or director of an independent escrowee, and immediately or after the filing of a criminal action involving moral turpitude against the independent escrowee, or any of its officers, or directors.

Section 8100.2010 modified to change the word "Rules" in subsection (a)(1)(A) to the phrase "Sections of this Part" and to add in subsection (b)(2) line two the word "either" after the word "shall".

Section 8100.2100 modified to change the word "Rules" to the word "Sections".

Section 8100.2102 subsection (a)(3) modified to change the phrase "Rules and Regulations" to the word "Sections".

Section 8100.2104(f) amended to read:

Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent, to the last known address of the respondent.

Section 8100.2106 amended to read:

A contested case is instituted by the Department when a Notice of Hearing is deposited with the United States Postal Service, either to a respondent at the respondent's last known address by registered or by certified or registered mail, return receipt requested, to the last known address of the respondent or by personal service is obtained upon the respondent.

Section 8100.2112 amended to read:

e) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective July 1, 1980 and after July 31, 1990 by the Illinois Code of Professional Responsibility, effective August 1, 1990. Any failure to behave in a manner which permits the efficient functioning of the hearing process shall authorize the hearing officer to take the following actions:

NOTICE OF ADOPTED RULES

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Section 8100.2134(b) add the word "anticipated" after the word "facts" in line three.

Add Section 8100.2405 as follows:

Section 8100.2405 "Thing of Value" as Used in this Subpart

The term "Thing of Value" as used in this Subpart includes, but is not limited to, monies, property, things, discounts, salaries, commissions, fees, duplicate payments of a charge, stock dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

To modify Section 8100.114(b) as follows:

- b) The Director or the Director's authorized representative after review of information submitted as required by subsection (a) shall require the filing of such additional information with the Department as necessary to assure that the business repute and qualification of the applicant requesting certification, is set forth in detail to allow a decision to be made upon the request for certification.

To amend Section 8100.200 (a) to add the following definition of the term "Director's authorized representative":

"Director's authorized representative" means any person employed by or on behalf of the Department of Financial Institutions to whom the Director has delegated verbally or in writing authority to act on the Director's behalf.

To modify Section 8100.115 to add at the end of the first sentence of the rule "unless the Director or Director's authorized representative has issued a variance as provided by Section 8100.190 of this Part."

To amend the second sentence of Section 8100.115 by deleting the term "good cause" and inserting in its place the phrase "change(s) in condition or situation to establish..."

To amend Section 8100.121 by rewriting the second sentence to state: "Any such document shall, after review by the Department, be deemed to be filed on the proper form, unless objection to the form is made in writing by the Department."

To amend Sections 8100.155(a), (b) and (c) to state "ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000".

To amend Section 8100.170 to replace the words "the Act" with the words "this Part".

To modify the definition of "Capital" in Section 8100.250 to state "the term 'Capital' as used in Section 9(a) of the Act shall mean the paid-up capital of the company."

To rewrite Section 8100.900 to state:

Impairment occurs:

- a) When an insurer does not possess assets equal to at least its total statutory liabilities or
- b) When its surplus as regards policyholders is 75% or less of the paid-up capital as shown in the most recent annual statement of the company on file with the Department.

To modify Section 8100.905 as follows:

The term "statutory liabilities" as used in this Subpart shall mean the total liabilities of the company as shown in its most recent annual statement on file with the Department.

To amend Section 8100.1005 to add after the word "maintain" the phrase "for each claim file".

To amend Section 8100.1300 by adding a new subsection (c) which will state:

- c) National Association of Insurance Commissioners Form 9 is acceptable as a report of condition pursuant to this Section.

To delete the phrase "and good business practice" from Section 8100.1716.

To add after the word "principles" in Section 8100.1716, "(Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (1989))"

To add after the word "principles" in Section 8100.1722, "(Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (1989))"

To amend Section 8100.1738(b)(2) to state "an instruction authorizing disbursements in payment of services, fees or other items of expense."

To amend Section 8100.1742 by deleting after the word "acted" in line 3 the words "as broker or salesman" and adding the phrase "in a capacity which can be construed as a conflict of interest...."

To rewrite the third sentence of Section 8100.1750 to state: "Charges made by the independent escrowee for its services shall be clearly designated as such and shall be shown separately."

DEPARTMENT OF FINANCIAL INSTITUTIONS

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To amend Section 8100.2010(c)(2) to delete "the Act" and replace it with "2 Ill. Adm. Code 901.80."

To modify Section 8100.2112(e)(2) to add after the word "proceeding", the phrase "for conduct that impedes an orderly determination of the rights of the parties."

To amend Section 8100.2130(j)(3) to add after the word "proceeding" the phrase "for conduct that impeded an orderly determination of the rights of the parties."

To modify Section 8100.2120 to add as 8100.2120(a)(14), "to request an Order, consistent with the expedited nature of administrative hearings, extending the time to complete discovery where it cannot be completed within the time limit set forth in Section 8100.2130 of this Part."

To add a new subsection 8100.2124(d) which states, "Subsections (a), (b) and (c) do not relieve any party from its respective burden of proof or requirement to go forward with the presentation of evidence."

To amend Section 8100.2146(d) to add after the word "shall" the phrase ", in writing".

To amend Section 8100.2146(h)(2) to delete "Act" and add "2 Ill. Adm. Code 901.80".

To renumber Section 8100.2400 as 8100.2402 and add a new Section 8100.2400 which will state:

Section 8100.2400 Preamble

The Act provides that the Director shall rely upon federal law, regulations and opinion letters including the Real Estate Settlement Procedures Act of 1974 (RESPA)(12 USC 2601 et seq.), the regulations promulgated thereunder and issued opinion letters. The Sections of this Part are promulgated in order to form a basis to determine if there has been a violation of Section 24 of the Act, and to illustrate acts and practices as applied to transactions in the Illinois marketplace which can result in the initiation of administrative, civil or criminal action. Recognizing that changes in acts and practices occur, it is the intention of this Department, by amendment or other authorized procedure (e.g. legislation), to assure that the Sections of this Part accurately reflect the conduct sought to be prohibited by Section 24 of the Act.

To add a new subsection 8100.2402(d)(4) which will state:

- 4) the ordinary and customary business entertainment or promotional activities by title insurance companies, title insurance agents or independent escrowees which are not directly or indirectly consideration as an inducement or compensation for the referral of title business or for the referral of any escrow or other service from a title insurance company, title insurance agent or independent escrowee.

To amend Section 8100.2402(b), in the 4th line by adding after "business", "instances of".

DEPARTMENT OF FINANCIAL INSTITUTIONS

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To amend Section 8100.2402(b), in the 5th line after "which" by adding "violate RESPA standards and".

To amend Section 8100.2402(b)(5), in line 1 by deleting "or" and adding "as set forth in subsection (a) above".

To amend Section 8100.2402(b)(21), in line 3 after "business" by deleting "which form" and transposing the words "and" "is."

To amend Section 8100.2402(c), in line 2 after the word "above," by adding "instances"

To amend Section 8100.2402(c), in line 2 after the word "practices" by adding "which do not violate RESPA standards and".

To amend Section 8100.2402(c)(4), in line 9 after the word "material" by adding "each,".

To amend Section 8100.2405 title to read "Definition of the term 'Thing of Value' as Used in This Subpart."

Sections 8100.600 and 8100.1810 were withdrawn based upon objections raised by the Joint Committee on Administrative Rules.

Section 8100.2160 has been modified to clarify that the Department controls any administrative proceeding involving certified or registered parties and is procedurally consistent with administrative due process.

Section 8100.2400 has been modified to remove the word "criminal" in line two (2) to meet the specific objection raised by the Joint Committee on Administrative Rules.

In addition, various typographical, grammatical and form changes were made in response to the comments from the public, the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

These new Sections are adopted to implement the Title Insurance Act (the "Act").

Sections 8100.100 through 8100.190 are requirements of general application governing notification, certification, filing, place of filing, fees and variances.

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Sections 8100.200 through 8100.280 are definitions of terms.

Sections 8100.400 through 8100.1515 establish acceptable deposits, computation of and change requirements for deposits, recordkeeping, reports and payments for Title Insurance Companies.

Section 8100.1600 establishes the registration of Title Insurance Agents.

Sections 8100.1700 through 8100.1750 provide for the establishment of and the requisites for handling escrow accounts by Independent Escrowees including recordkeeping, reporting and deposit requirements.

Section 8100.2010 establishes a manner and method of requesting opinions from the Department.

Sections 8100.2100 through 8100.2160 establish the procedure for administrative hearings under the Act.

Sections 8100.2400 through 8100.2405 set forth allowed and prohibited conduct by certified or registered persons for the protection of the consumer affected by the Act.

Section 8100.3000 establishes a prohibition of public disclosure of sensitive material.

16) Information and questions regarding this adopted Part shall be directed to:

Henry Sintzenich, Deputy Counsel
Consumer Credit Division
Department of Financial Institutions
500 Iles Park Place, Suite 510
Springfield, IL 62718-1094
217/782-3704

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER V: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 8100

TITLE INSURANCE ACT

SUBPART A: RULES OF GENERAL APPLICATION

Section	
8100.100	Notice of Suspension or Revocation
8100.105	Notification of Noncompliance or Material Change
8100.110	Display of Certificates or Registrations
8100.114	Certification
8100.115	Prohibition on Filing Application
8100.120	Computation of Time
8100.121	Requirements as to Proper Form
8100.125	Place of Filing
8100.130	Additional Information
8100.135	Additional Exhibits
8100.140	Information Unknown or Not Reasonably Available
8100.145	Requirements as to Paper, Printing and Language
8100.150	Number of Copies--Signatures
8100.155	Audit Fees
8100.170	Extension of Date for Filing
8100.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

8100.200	Definition of terms Used in this Part
8100.205	Definition of the term " <i>Domestic Title Insurance Company</i> " as Used in the Act
8100.210	Definition of the term " <i>Application</i> " as Used in Sections 4.(d) and 8.(b) of the Act
8100.215	Definition of the term " <i>Audit</i> " as Used in Section 12.(b) of the Act
8100.220	Definition of the term " <i>Bonds of the United States</i> " as Used in Section 4.(a) of the Act
8100.225	Definition of the term " <i>Bonds ... of Any Body Politic of This State</i> " as Used in Section 4.(a) of the Act
8100.230	Definition of the term " <i>Bonds ... of This State</i> " as Used in Section 4.(a) of the Act
8100.235	Definition of the term " <i>Qualified to Do Business in This State</i> " as Used in Section 4.(a) of the Act
8100.240	Definition of the term " <i>Title Plant</i> " as Used in Section 7.(b) of the Act

NOTICE OF ADOPTED RULES

- 8100.245 Definition of the term "*Net Retained Liability*" as Used in Sections 8(a) and 11.(c)(2) of the Act
- 8100.250 Definition of the term "*Capital*" as Used in Section 9.(a) of the Act
- 8100.255 Definition of the term "*Notice*" as Used in Section 9.(b) of the Act
- 8100.260 Definition of the term "*Alien Title Insurance Company*" as Used in Section 11.(b) of the Act
- 8100.265 Definition of the term "*Foreign Title Insurance Company*" as Used in Sections 11.(b) and 15 of the Act
- 8100.270 Definition of the term "*Like Purposes*" as Used in Section 15 of the Act
- 8100.275 Definition of the term "*Party*" as Used in Section 23 of the Act
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AUTHORITY: Implementing and authorized by the Title Insurance Act (P.A. 86-239, effective January 1, 1990).

SOURCE: Emergency rules adopted at 14 Ill. Reg. 305, effective January 1, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 8600, effective May 21, 1990.

SUBPART A: RULES OF GENERAL APPLICATION

Section 8100.100 Notice of Suspension or Revocation

The suspension or revocation of any certificate or registration issued under this Title Insurance Act ("Act") is effective upon completion of service pursuant to the provisions of Section 21(b) of the Act. Where service is made by registered or certified mail, the Department of Financial Institutions ("Department") will, if possible, notify by telephone or by facsimile transmission the affected person or party of the suspension or revocation.

Section 8100.105 Notification of Noncompliance or Material Change

All holders of or applicants for any certificate of authority or registration issued pursuant to the Act shall submit written notification to this Department within a maximum of ten (10) business days of becoming aware of any noncompliance with the provisions of this Act and any material change in condition which places or tends to place any policyholder in jeopardy.

Section 8100.110 Display of Certificates or Registrations

Each holder of a certificate of authority or registration issued pursuant to the Act shall display it in a manner conspicuous to the public or maintain it at its principal place of business for inspection upon request by the public.

Section 8100.114 Certification

- a) Any applicant requesting certification as a title insurance company or as

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an independent escrowee, prior to certification shall provide, as a minimum, the following information to the Department:

- 1) A certified copy of the Certificate of Authority from the Illinois Secretary of State authorizing it to do business in the State of Illinois, if any;
- 2) A Certificate issued by the State/domicile setting forth that it is in good standing and further setting forth the date upon which the Articles of Incorporation were issued, if any;
- 3) A certified copy of the assumed name filing, if any;
- 4) A brief narrative history of the company, if any;
- 5) A listing of the officers, directors and owners of the company, if any;
- 6) A listing of the company shareholders, if any, except where the shares of the company are publicly traded;
- 7) A certified copy of the company's charter and by-laws and any amendments thereto, if any;
- 8) A Certificate of Compliance from the State of domicile, if any;
- 9) A copy of the most recent audited financial statements including a letter of opinion, if any;
- 10) The last published Annual Report of the company, if any;
- 11) A copy of the most recent examination, if applicable, by the State of domicile;
- 12) A copy of the Certificate of Deposit from the State of domicile and other states in which the company does business, if any;
- 13) A listing of the counties in Illinois in which you propose to conduct your business;
- 14) The nature and amount of the proposed deposit as provided for in the Act;
- 15) A listing of all its locations or proposed locations in the State of Illinois by name, address and phone number;
- 16) The name, address and phone number of a member of the company, or person to direct questions regarding the application; and
- 17) The names and addresses of any proposed agents.

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- b) The Director or the Director's authorized representative after review of information submitted as required by subsection (a) shall require the filing of such additional information with the Department as necessary to assure that the business repute and qualification of the applicant requesting certification, is set forth in detail to allow a decision to be made upon the request for certification.

Section 8100.115 Prohibition on Filing Application

No person or party whose application has been denied or refused or whose certificate of authority or registration has been revoked for a violation of the Act hereunder shall be entitled to file another application within one year from the effective date of such denial, refusal or revocation, or if judicial review of such denial, refusal or revocation is sought, within one year from the date of final court order or decree affirming such action unless the Director or Director's authorized representative has issued a variance as provided by Section 8100.190 of this Part. Such application, when filed after one year, may be refused by the Director unless the person or party shows change(s) in condition or situation to establish why the denial, refusal or revocation of the certificate of authority or registration shall not be deemed a bar to the issuance of a new certificate or registration.

Section 8100.120 Computation of Time

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the date succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 8100.121 Requirements as to Proper Form

Any document filed with the Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed therefor by the Director. Any such document shall, after review by the Department, be deemed to be filed on the proper form, unless objection to the form is made in writing by the Department.

Section 8100.125 Place of Filing

All applications and other papers filed with the Title Insurance Section of the Consumer Credit Division of the Department of Financial Institutions shall be filed at Springfield, Illinois. Such material may be filed by delivery to the Department, through the mails or otherwise.

Section 8100.130 Additional Information

In addition to the information expressly required to be included in an application, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

Section 8100.135 Additional Exhibits

Any holder or applicant may file such exhibits as it may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

Section 8100.140 Information Unknown or Not Reasonably Available

Information required need be given only insofar as it is known or reasonably available to the holder or applicant. If any required information is unknown and not reasonably available to it, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with it, the information may be omitted, subject to the following conditions:

- a) The holder or applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.
- b) The holder or applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 8100.145 Requirements as to Paper, Printing and Language

- a) Application shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the prospectus may be on smaller paper, if the registrant so desires, but not less than 7 1/2 by 9 inches in size.
- b) The application and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which in the opinion of the Department produces copies suitable for permanent record. Irrespective of the process used, all copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.
- c) The application shall be in the English language. If any exhibit or other paper or document filed with the application is in a foreign language, it shall be accompanied by a translation into the English language.

Section 8100.150 Number of Copies--Signatures

- a) One copy of the completed application, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the

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application, shall be filed with the Department.

- b) If any name is signed to the application pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 8100.155 Audit Fees

Audit Fees under the Act are as follows:

- | | | |
|----|--|--|
| a) | Section 4.(d) | |
| | 1) Each examiner man-day or part thereof | \$500 |
| | 2) Transportation, lodging, per diem and miscellaneous expense | ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000 |
| b) | Section 12 | |
| | 1) Each examiner man-day or part thereof | \$300 |
| | 2) Transportation, lodging, per diem and miscellaneous expense | ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000 |
| c) | Section 17.(f) | |
| | 1) Each examiner man-day or part thereof | \$300 |
| | 2) Transportation, lodging, per diem and miscellaneous expense | ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000 |

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Section 8100.170 Extension of Date for Filing

The Director or the Director's authorized representative may, upon receipt of a written application, extend for up to thirty (30) days any filing deadline set forth in this Part.

Section 8100.190 Provisions for Granting of Variance from Rules

The Director or the Director's authorized representative may grant variances from these Rules in individual cases where it is determined that:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by granting the variance; and
- c) the Rule from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SUBPART B: DEFINITIONS

Section 8100.200 Definition of terms Used in this Part

- a) As used in this Part prescribed by the Director, pursuant to the Title Insurance Act, unless the context otherwise requires, the term:

"Act" means the Title Insurance Act (P.A. 86-239, effective January 1, 1990) and the Rules in this Part.

"Delinquency Assessment" means any amount, as determined by the Department, payable under Section 15 of the Act and not submitted with the report of each foreign title company as required under Section 8100.1500 of this Part.

"Surplus as regards policyholders" means the total of capital paid-up, gross paid-in and contributed surplus, special surplus funds, unassigned funds less treasury stock at cost, all as shown on the company's balance sheet.

"Consideration" means, but is not limited to, monies, things, salaries, fees, duplicate payments of a charge, stocks, dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or loan guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

"Director's authorized representative" means any person employed by or on behalf of the Department of Financial Institutions to whom the Director has delegated verbally or in writing authority to act on the Director's behalf.

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- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

Section 8100.205 Definition of the term "Domestic Title Insurance Company" as Used in the Act

The term "*Domestic Title Insurance Company*" as used in the Act shall mean a title insurance company organized under the laws of this State.

Section 8100.210 Definition of the term "Application" as Used in Sections 4.(d) and 8.(b) of the Act

The term "*Application*" as used in Sections 4.(d) and 8.(b) of the Act shall mean a request in writing under oath containing all the relevant facts upon which a decision can be made, and the specific relief requested.

Section 8100.215 Definition of the term "Audit" as Used in Section 12.(b) of the Act

The term "*Audit*" as used in Section 12.(b) of the Act shall include, but not be limited to, any annual or special examination, visit or review required under the Act or required by the Director or the Director's authorized representative in carrying out the duties and responsibilities under the Act.

Section 8100.220 Definition of the term "Bonds of the United States" as Used in Section 4.(a) of the Act

The term "*Bonds of the United States*" as used in Section 4.(a) of the Act shall include bonds, bills and notes issued by the United States, the United States Federal Reserve and direct obligations of the United States of America for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the United States of America.

Section 8100.225 Definition of the term "Bonds ... of Any Body Politic of This State" as Used in Section 4.(a) of the Act

The term "*Bonds ... of Any Body Politic of This State*" as used in Section 4.(a) of the Act shall mean direct, general obligations of any body politic of this State for the payment of money, or obligations for the payment of money to the extent guaranteed as to the payment of principal and interest by the State on the following conditions:

- a) The obligations are payable or guaranteed from ad valorem taxes;
- b) Such body politic is not in default in the payment of principal or interest of any of its direct or guaranteed obligations; and
- c) No investment shall be made in obligations which are secured only by special

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assessments.

Section 8100.230 Definition of the term "Bonds ... of This State" as Used in Section 4.(a) of the Act

The term "*Bonds ... of This State*" as used in Section 4.(a) of the Act shall mean direct, general obligations of this State for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the State on the following conditions:

- a) The State has the power to levy taxes for the prompt payment of the principal and interest of such obligations, and
- b) The State shall not be in default in the payment of principal or interest on any of its direct, guaranteed or insured obligations at the date of such investment.

Section 8100.235 Definition of the term "Qualified to Do Business in This State" as Used in Section 4.(a) of the Act

The term "*Qualified to Do Business in This State*" as used in Section 4.(a) of the Act shall mean the date of and period in which a company is in compliance with the requirements of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 1.10 et seq.).

Section 8100.240 Definition of the term "Title Plant" as Used in Section 7.(b) of the Act

The term "*Title Plant*" as used in Section 7.(b) of the Act shall mean a set of records in which an entry has been made of documents or matters imparting constructive notice under the law of matters affecting title to real property or any interest therein or encumbrance thereon, which have been filed or recorded in the jurisdiction for which such title plant is maintained.

Section 8100.245 Definition of the term "Net Retained Liability" as Used in Sections 8.(a) and 11.(c)(2) of the Act

The term "*Net Retained Liability*" as used in Sections 8.(a) and 11.(c)(2) of the Act shall mean the total liability retained by a title insurance company for a single risk, after taking into account the deduction for ceded liability, if any.

Section 8100.250 Definition of the term "Capital" as Used in Section 9.(a) of the Act

The term "*Capital*" as used in Section 9.(a) of the Act shall mean the paid-up capital of the company.

Section 8100.255 Definition of the term "Notice" as Used in Section 9.(b) of the Act

The term "*Notice*" as used in Section 9.(b) of the Act shall include, but not be limited to, a communication accomplished by telephone, United States Postal Service, private mail

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service, computer transaction or facsimile transmission.

Section 8100.260 Definition of the term "*Alien Title Insurance Company*" as Used in Section 11.(b) of the Act

The term "*Alien Title Insurance Company*" as used in Section 11.(b) of the Act shall mean any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof.

Section 8100.265 Definition of the term "*Foreign Title Insurance Company*" as Used in Sections 11.(b) and 15 of the Act

The term "*Foreign Title Insurance Company*" as used in Sections 11.(b) and 15 of the Act shall mean any title insurance company organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States.

Section 8100.270 Definition of the term "*Like Purposes*" as Used in Section 15 of the Act

The term "*Like Purposes*" as used in Section 15 of the Act shall not include the fee specified in Section 14.(b) of the Act.

Section 8100.275 Definition of the term "*Party*" as Used in Section 23 of the Act

The term "*Party*" as used in Section 23 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority or registration, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

Section 8100.280 Definition of the term "*Person*" as Used in Section 24 of the Act

The term "*Person*" as used in Section 24 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority or registration, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

SUBPART C: TITLE INSURANCE COMPANIES

Section 8100.400 Bonds and Securities Acceptable for Deposit

Each Title Insurance Company ("Company") prior to becoming certified by the Director to transact the business of insuring and guaranteeing titles to real estate in this State shall deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

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Section 8100.401 Place of Deposit

Each Company shall:

- a) instead of physical delivery of the Bonds to the Department, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987, ch. 17, par. 1551-1 et seq.) now and hereafter amended ("Depository Institution");
- b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and
- c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

Section 8100.402 Computation of Amount on Deposit

Each Company shall compute the value of the Bonds on deposit. The computation shall be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.403 Exchange of Bonds on Deposit

No Company shall exchange, substitute, remove, encumber, or hypothecate, Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

Section 8100.900 Impairment

Impairment occurs:

- a) When an insurer does not possess assets equal to at least its total statutory liabilities or
- b) When its surplus as regards policyholders is 75% or less of the paid-up capital as shown in the most recent annual statement of the company on file with the Department.

Section 8100.905 Definition of the term "*Statutory Liabilities*" as Used in This Subpart

The term "statutory liabilities" as used in this Subpart shall mean the total liabilities of the company as shown in its most recent annual statement on file with the Department.

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Section 8100.1000 Date of Redetermination of Required Reserves

Each Company shall redetermine the reserves required under Section 10 of the Act annually as of December 31st regardless of the date when the initial reserve against unpaid losses and loss expenses were established.

Section 8100.1005 Records of Required Reserves

Each Company shall maintain for each claim file a chronological record of each notice received which results in a revision or readjustment to the reserve against unpaid losses or loss expense.

Section 8100.1100 Records of Statutory Premium Reserve

Each Company shall maintain a record of the statutory premium reserve required pursuant to Section 11 of the Act, which sets forth the basis of and computation of the reserve, along with the amount of, date of and computation of each amount released from the reserve.

Section 8100.1200 Consumer Complaints

Each Company shall maintain for review by the Department:

- a) A file or consumer complaint register containing each written complaint received from any person or party regarding property located in this State other than matters for which a separate claim file has been opened, together with the response to or resolution of the complaint.
- b) The files must be maintained during each audit period and will be reviewed by and released by the Department's examiner at the time of annual audit. The completion of the audit without limitation to the contrary shall constitute such release and permit the Company to dispose of complaints responded to or otherwise resolved.

Section 8100.1300 Report of Condition

- a) Each Company shall file a report of condition pursuant to Section 13 of the Act which includes, but is not limited to:

- 1) an audited financial statement;
- 2) the current address and telephone number of the main administrative office;
- 3) the primary location of books and records;
- 4) a list of officers and directors;
- 5) a list of and analysis of investments;

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- 6) a schedule of special and regular deposits;
 - 7) a list of subsidiary, controlled or affiliated companies;
 - 8) an organization chart;
 - 9) a narrative report of all contingencies which may have a material affect on finances or operations; and
 - 10) the date of and state conducting the latest financial examination of the company.
- b) The Director or the Director's authorized representative, after review of the report of condition, may request further and additional information to assure the business repute and qualifications of the Company.
 - c) National Association of Insurance Commissioners Form 9 is acceptable as a report of condition pursuant to this Section.

Section 8100.1500 Due Date for Filing Report

Each foreign title insurance company shall file not later than May 15th of each year a report setting forth the basis for, computation of and amount due pursuant to Section 15 of the Act.

Section 8100.1505 Due Date for Deposits and Payments

All amounts due pursuant to Section 15 of the Act shall be paid to and received by this Department not later than May 15th of each year.

Section 8100.1510 Review of Reports

Each report filed with the Department will be reviewed. A report of the review including any delinquency assessment will be submitted to the filing company.

Section 8100.1515 Due Date for Delinquency Assessment

Amounts due pursuant to the delinquency assessment shall be paid to and received by this Department within thirty (30) days of the date of issuance of the delinquency assessment.

SUBPART D: TITLE INSURANCE AGENTS

Section 8100.1600 Registration of Title Insurance Agents

- a) Each Company shall make the annual filing of the required registration form for title insurance agents on or before February 1st of each year. Included with the filing shall be the annual fee computed in accordance with Section 14.(b) of the Act.

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- b) Each Company shall file supplemental registrations for new title insurance agents. Each new title insurance agent shall be registered with the Department within thirty (30) days of the signing of the agency agreement.
- c) No title insurance agent shall conduct business before:
 - 1) having obtained errors and omissions insurance, if required by the terms of the agency agreement, in an amount acceptable to the title insurance company appointing the agent; and
 - 2) being registered with this Department.
- d) A Company may voluntarily withdraw the registration of a title insurance agent or limit the duties of a title insurance agent. Within five (5) business days of the withdrawal or limitation, the Company shall notify this Department of the action taken.
- e) Withdrawal of the registration of a title insurance agent or limitation of the duties of a title insurance agent shall not be deemed to prevent this Department from taking action under Section 21.(a) of the Act.

SUBPART E: INDEPENDENT ESCROWEEES

Section 8100.1700 Bonds and Securities Acceptable for Deposit

Each independent escrowee prior to becoming certified by the Director to transact business in this State will deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

Section 8100.1701 Place of Deposit

Each independent escrowee shall:

- a) instead of physical delivery of the Bonds to the Department, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987, ch. 17, par. 1551-1 et seq.) as now and hereafter amended ("Depository Institution");
- b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and
- c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

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Section 8100.1702 Computation of Amount on Deposit

Each independent escrowee shall compute the value of the Bonds on deposit. The computation will be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.1703 Exchange of Bonds on Deposit

No independent escrowee shall exchange, substitute, remove, encumber or hypothecate Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

Section 8100.1704 Starker Exchange

Licensed attorneys, retained by the parties to a real estate transaction to act solely as escrowee, trustee or other capacity in effectuating a Starker exchange (Starker vs. U.S., 602 F.2d 1341 (9th Cir. 1979)) or other similar transaction, structured to obtain favorable tax treatment under the Internal Revenue Code or other tax law, are not independent escrowees.

Section 8100.1705 Independent Accountant

The Annual Report and all financial statements provided to the Department by an independent escrowee shall be prepared by an independent certified public accountant.

Section 8100.1706 Notice of Judgments

An independent escrowee shall notify the Director, in writing, immediately upon becoming aware of an entry of a money judgment in a civil action against the independent escrowee, or entry of a judgment involving moral turpitude against any independent escrowee, officer, or director of an independent escrowee, or after the filing of a criminal action involving moral turpitude against the independent escrowee, or any of its officers, or directors.

Section 8100.1708 Maintenance of Books

An independent escrowee shall maintain its books, records and accounts and shall notify the Director in writing of the location of its books, records and accounts. Such books, records and accounts shall be maintained at such location unless the independent escrowee shall notify the Director in writing at least fifteen (15) days prior to changing the location of such books.

Section 8100.1710 Annual Report

- a) An independent escrowee shall make an annual report;
- b) The annual report shall include, but is not limited to:
 - 1) an audited financial statement;

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- 2) the current address and telephone number of the main administrative office;
- 3) the primary location of books and records;
- 4) a list of officers, directors and shareholders including addresses;
- 5) a list of and analysis of investments;
- 6) a schedule of special and regular deposits;
- 7) a list of subsidiary, controlled or affiliated companies;
- 8) an organization chart;
- 9) a narrative report of all contingencies which may have a material affect on finances or operations; and
- 10) the date of and state conducting the latest financial examination of the company.

- c) The Director or the Director's authorized representative, after review of the annual report, may request further and additional information to assure the business repute and qualifications of the Company.

Section 8100.1712 Due Date for Filing of Annual Report

Each independent escrowee shall file an annual report not later than March 31st of each year.

Section 8100.1714 Confirmation of Escrow Fund and Liability

The annual report shall include a statement that the escrow fund was confirmed by the accountant in writing directly with the depositories and that the escrow liability was confirmed by the accountant in writing directly with escrow depositories of at least twenty-five (25) escrow accounts or one-fourth of the number of escrow accounts having balances at the reporting date, whichever number is greater. If the independent escrowee has less than twenty-five (25) such accounts, all shall be confirmed.

Section 8100.1716 Basis of Books

An independent escrowee shall maintain its books, records and accounts in accordance with generally accepted accounting principles (Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants(1989)).

Section 8100.1718 Posting Dates

All receipts and disbursements of monies by an independent escrowee shall be posted in the

escrow ledger as of the date of such receipts and disbursements.

Section 8100.1720 Escrow Books

An independent escrowee shall establish and maintain current the following books with reference to its escrow accounts:

- a) escrow ledger containing a separate ledger sheet for each escrow;
- b) escrow liability controlling account; and
- c) cash receipt and disbursement journal or a file containing copies of all receipts and checks and/or check stubs of checks issued by the escrow agent as a medium of posting to the records referred to in subsections (a) and (b) in which case adding machine tapes of totals of receipts and checks shall be retained. The records referred to in subsections (a) and (b) shall be reconciled at least once each month with the bank statements of the "trust" or "escrow" account. The records referred to in subsection (a) shall be reconciled at least once each week with the escrow liability controlling account referred to in subsection (b).

Section 8100.1722 General Books

An independent escrowee shall establish and maintain current the following books with reference to its general accounts:

- a) general ledger reflecting the assets, liabilities, capital, income and expense of the business, in accordance with generally accepted accounting principles (Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (1989)); and
- b) cash receipt and disbursement journals.

Section 8100.1724 Special Accounts

- a) All money received by an independent escrowee as part of an escrow transaction shall on or before the close of the next full working day after such receipt be deposited in a bank, a savings bank, a savings and loan association or credit union ("financial institution") in an account designated "trust" or "escrow" account, or in an account otherwise designated by a name indicating that the funds contained therein are not the funds of the escrow agent, but only if such other designation has been first approved by the Director. No funds other than those received as part of an escrow transaction shall be deposited in such account or otherwise commingled with escrow money.

- b) Pursuant to written instructions of the principals containing at least the provisions required by subsection (c), funds received in any particular escrow transaction and deposited pursuant to subsection (a) may subsequently be

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deposited into an interest-bearing escrow account established solely for such purpose at a financial institution in the name of the independent escrowee as trustee for the principals to the particular escrow identified by escrow number.

- c) The escrow instructions for interest-bearing escrow deposits shall, at a minimum:

- 1) authorize the opening of an interest-bearing escrow account in the name of the independent escrowee as trustee for the particular escrow identified by escrow number;
- 2) specify the type of account to be opened and the amount of the deposit;
- 3) identify the name and location of the financial institution with which the interest-bearing account is to be opened;
- 4) specify:
 - A) the disposition of the interest at the close of escrow;
 - B) the disposition of the interest in the event that the escrow fails to close; and
 - C) the disposition of any accrued interest retained in the interest-bearing escrow account after the close of escrow pursuant to subsection (g);
- 5) indicate that the principals have been advised by the independent escrowee of possible restrictions or penalties, or both for early withdrawal of funds; and
- 6) prohibit the independent escrowee from withdrawing funds from the interest-bearing account except for redeposit into the "trust" or "escrow" account.

- d) An independent escrowee is responsible for establishing and maintaining an interest-bearing account so that the funds are fully insured or guaranteed, to the extent available by law.

- e) An independent escrowee is responsible for establishing and maintaining adequate controls over the passbooks and certificates issued by financial institutions in connection with interest-bearing escrow accounts.

- f) An independent escrowee depositing escrow funds into interest-bearing escrow accounts shall establish and maintain a control ledger summarizing the deposits in interest-bearing escrow accounts or shall make a memo entry on each individual escrow ledger. The posting of the ledger shall include the escrow number, interest-bearing account number, date of deposit, and amount

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of deposit.

- g) All funds deposited into an interest-bearing escrow account, including any interest paid thereon, shall be transferred from such account into the "trust" or "escrow" account before the close of escrow, except that a specified portion of all the interest accrued may be retained in the interest-bearing escrow account until the end of the current calendar quarter if the escrow instructions of the principals so provide.
- h) Disbursements from the "trust" or "escrow" account shall not be made against funds deposited in an interest-bearing escrow account until such funds have been transferred and receipted into the "escrow" or "trust" account with proper posting to the particular escrow.
- i) No electronic fund transfers, except in commercial transactions, shall be made between the "trust" or "escrow" account and any interest-bearing account. Transfers shall be made only in a manner consistent with the provisions of Section 8100.1744 of this Part.
- j) Interest paid on any interest-bearing escrow account shall be paid over to the principal having deposited the moneys in escrow unless the escrow instructions clearly specify that such interest is to be paid over to a named person.
- k) An independent escrowee which wishes to transact business as an escrow agent on a basis other than as provided by this Subpart may request in writing a variance to or waiver of any provisions of this Subpart, but may not engage in business in a manner not in compliance with this Subpart without first having received a waiver or variance in writing from the Director or the Director's authorized representative.
- l) Any request for a variance or waiver shall include at least:
 - 1) a statement of the basis upon which the escrow agent's business is proposed to be transacted in connection with a particular named financial institution;
 - 2) a description of the plan of business and applicable procedures including copies of all agreements or memoranda of understanding between the independent escrowee and the financial institution;
 - 3) a showing that the proposed plan of business and applicable procedures provide for administrative and accounting controls at least as adequate as those provided in this Subpart; and
 - 4) a statement of the reasons why, under the escrow agent's circumstances, a variance or waiver is requested.

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- m) Any variance or waiver granted pursuant to this Subpart by the Director or the Director's authorized representative shall be in writing and subject to such terms and conditions as may be deemed necessary or advisable by the Director or the Director's authorized representative to protect any escrow relationship.

Section 8100.1726 Records to be Preserved

An independent escrowee shall preserve for at least three (3) years from the close of escrow:

- a) all bank statements of the "trust" or "escrow" account;
- b) all canceled checks drawn upon the "trust" or "escrow" account;
- c) copies of bank deposit slips with reference to the "trust" or "escrow" account;
- d) all additional records reflecting banking transactions with reference to the "trust" or "escrow" account, including copies of all receipts for funds transferred from interest-bearing accounts into the "trust" or "escrow" account;
- e) the Statement of Account;
- f) escrow instructions and amendments thereto; and
- g) all additional records pertinent to the escrow transaction.

Section 8100.1728 Withdrawals From Special Accounts

All money deposited in such "trust" or "escrow" account shall be withdrawn, paid out, or transferred to other accounts only in accordance with the written instructions of the principals to the escrow transaction or pursuant to order of a court of competent jurisdiction.

Section 8100.1730 Debit Balances Prohibited

An independent escrowee shall not withdraw, pay out or transfer moneys from any particular escrow account in excess of the amount to the credit of such account at the time of such withdrawal, payment or transfer.

Section 8100.1732 Delivery of Documents or Property

An independent escrowee shall use documents or other property deposited in escrow only in accordance with the written instructions of the principals to the escrow transaction, or if not otherwise directed by written instructions, in accordance with sound escrow practice, or pursuant to order of a court of competent jurisdiction.

Section 8100.1734 Dated Instructions

All escrow instructions shall be dated.

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Section 8100.1738 Printed Instructions

- a) A preprinted form of escrow instructions shall not contain:

- 1) an authorization or direction to disburse any money except to an authorized independent escrowee prior to recordation of instruments in escrows relating to real property or prior to consummation of sale in escrows relating to bulk sales of personal property; or
 - 2) an authorization or direction to deliver, except to a duly authorized subescrow agent or record instruments affecting ownership or interest in real or personal property, prior to deposit with the independent escrowee of the full sum of money required to be deposited in escrow under escrow instruction.
- b) Nothing contained in this Section shall prohibit:
- 1) the insertion of such authorization in the form of escrow instructions, in handwriting or typewriting, at the direction of the party executing such instructions; or
 - 2) an instruction authorizing disbursements in payment of services, fees or other items of expense.

Section 8100.1740 Withdrawal of Escrow Fees

Earned escrow fees shall be withdrawn from such "trust" or "escrow" account at least once each month.

Section 8100.1742 Notice of Interest

An independent escrowee shall act without partiality to any of the parties to an escrow transaction. If an independent escrowee or a person or company related to or affiliated with the independent escrowee is a principal to the escrow transaction or is acting or has acted in a capacity which can be construed as a conflict of interest in relation to the escrow transaction, the independent escrowee shall advise in writing all parties to the escrow transaction of such relationship or affiliation before being employed as independent escrowee in connection with such transaction. Such advice shall be on the face of the escrow instructions in not less than eight (8) point bold type or its equivalent.

Section 8100.1744 Transfers Between Escrows

Transfers of funds between escrows may not be accomplished by the making of book entries alone, but must be accomplished by the actual writing of a check from one escrow to the other, and by the depositing of such check for the account of, and the writing of a receipt for, the escrow to which the funds are being transferred. Such transfers must also be properly supported and documented in the escrow files by inclusion of the reasons for, and the appropriate approval of, the transfer.

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Section 8100.1746 Escrow Receipts

An independent escrowee shall issue consecutively prenumbered receipts for all escrow money or checks deposited with or mailed to the independent escrowee and retain copies of such receipts in a separate file.

Section 8100.1748 Drawing of Checks

A check shall not be drawn, executed or dated prior to the existence, in the particular escrow account against which it is drawn, executed or dated, of a sufficient credit balance to cover said check.

Section 8100.1750 Statement of Account

Upon completion of an escrow transaction, an independent escrowee shall render to each principal to the escrow transaction a statement of the principal's account in writing. Such statement shall specify all receipts and disbursements of escrow funds for the principal's account. Charges made by the independent escrowee for its services shall be clearly designated as such and shall be shown separately. Payments outside of escrow, if shown in the statement, shall be set forth separately from payments by or to the independent escrowee.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS**Section 8100.2010 Request for Non-Binding Statements**

- a) Required information and format:
- 1) All requests for non-binding statements shall be in writing. The request shall be filed with the Department and shall contain the following:
 - A) a brief summary of the Sections of the Act and of the Sections of this Part to which the request pertains;
 - B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
 - C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) a statement by the person requesting the non-binding statement which states the person's own opinion in the matter and the basis for such opinion; and
 - E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the

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transaction.

- 2) The Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.
 - 3) The Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.
 - 4) The Department will not respond to requests based upon hypothetical facts or involving unnamed parties.
- b) Review procedure under the Act:
- 1) The Department's review of requests for non-binding statements require an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement is issued.
 - 2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall either decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.
- c) Availability of non-binding statements issued by the Department:
- 1) The Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.
 - 2) Copies of such statements can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

SUBPART H: PROCEDURES FOR ADMINISTRATIVE HEARINGS**Section 8100.2100 Preamble**

The Sections contained in this Subpart shall govern every hearing under the Title Insurance Act before the Department. The purpose of this Subpart is to assist all parties subject to the Act by providing a forum for the orderly determination of rights, duties and privileges of parties appearing before the Director or the Director's authorized representative under procedures assuring such parties due process of law without unnecessary postponements or extended delays.

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Section 8100.2102 Qualifications and Duties of the Hearing Officer

- a) The hearing officer shall meet the following standards and qualifications:
- 1) be of high integrity and of good personal repute;
 - 2) be admitted to practice law in the State of Illinois and be a member in good standing of the Bar of Illinois for at least three (3) years; and
 - 3) be familiar with the Sections contained in this Part and the Act.
- b) A hearing officer shall rule on procedure and the admissibility of evidence and shall make findings of fact, conclusions of law and recommendations.
- c) The final decision in all hearings shall be made by the Director or the Director's authorized representative after consideration of the findings of fact, conclusions of law, and recommendations of the hearing officer.

Section 8100.2104 Notice of Hearing

- a) Unless otherwise required, each respondent shall be given a Notice of Hearing at least forty-five (45) days prior to the first date set for any hearing hereunder. Once such notice is given it will thereafter be the responsibility of the respondent to become acquainted with subsequent hearing dates.

- b) The Notice of Hearing shall include:

- 1) a statement of the time, place and nature of the hearing;
- 2) a statement of the legal authority, and jurisdiction under which the hearing is held;
- 3) a short and plain statement of the matters alleged;
- 4) a statement of financial sanction or relief sought; and
- 5) a concise statement to each respondent that:
 - A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;
 - B) failure by any respondent to appear shall constitute default by such respondent unless such respondent has filed an answer or, upon due notice, moved for and obtained a continuance; and
 - C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.

- c) Nothing in this Part shall prevent the Department from scheduling a hearing within ten (10) days of the date on which the Director temporarily suspends any registration or license under the Act or issues a temporary order.

- d) When a respondent timely requests a hearing on an Order under Section 21 of the Act issued by the Director, the Department shall issue a Notice of Hearing in the form prescribed herein.

- e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent prior to argument on any other motion, or commencement of opening statements at the hearing.

- f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent.

Section 8100.2106 Institution of a Contested Case by the Department

A contested case is instituted by the Department when a Notice of Hearing is deposited with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent.

Section 8100.2108 Requirement to File an Answer

- a) In each contested case instituted by the Department, each respondent shall file with the Department an Answer within thirty (30) days of the service of the Notice of Hearing or within ten (10) days of each amended Notice of Hearing which materially alters the Notice of Hearing or within ten (10) days of service of a Notice of Hearing issued pursuant to Section 8100.2104(c) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation.
- b) Any Answer which states that the respondent has insufficient information to admit or deny any allegation shall be accompanied by an affidavit attesting to the truth of this assertion.
- c) If, within thirty (30) days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading the respondent shall be held in default.

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Section 8100.2110 Amendment or Withdrawal of the Notice of Hearing

- a) The Notice of Hearing may be amended at any time to correct pleading or notice deficiencies. An Amended Notice of Hearing shall be filed in the same manner as a Notice of Hearing, or be presented to the hearing officer and each respondent during the course of the hearing. A continuance shall be granted by the hearing officer whenever the amendment materially alters the Notice of Hearing, and where a respondent demonstrates that any respondent would otherwise be unable to properly prepare an Answer to the Amended Notice of Hearing or prepare any respondent's case.
- b) A Notice of Hearing may be withdrawn without prejudice by the Department at any time prior to the hearing. After a hearing has begun, a Notice of Hearing may be withdrawn only upon written notice to, and concurrence by the hearing officer.

Section 8100.2112 Representation

- a) Any individual may appear personally on his or her own behalf.
- b) A party may be represented by an attorney. The attorney shall be licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) the name, business address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed in Illinois.
- c) A corporation may be represented by an officer, upon presentation to the Department of a duly executed resolution of the Board of Directors, authorizing the officer to act in a representative capacity and setting forth the powers which the officer is authorized to exercise.

- d) A partnership may be represented by any general partner.

- e) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective July 1, 1980 and after July 31, 1990 by the Illinois Code of Professional Responsibility, effective August 1, 1990. Any failure to behave in a manner which permits the efficient functioning of the hearing process shall authorize the hearing officer to take the following actions:

- 1) substitution of written argument in place of oral argument; or
- 2) exclusion of an attorney from the proceeding for conduct that impedes

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an orderly determination of the rights of the parties.

- f) If any of the above actions are taken by the hearing officer, it shall be done as a matter of record, and the hearing officer shall state for the record the specific reasons therefor.

Section 8100.2114 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Department. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the hearing officer may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issue of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense which he or she might otherwise have made. If the hearing officer sustains the objection, an appropriate order shall be entered of record after review by a designated representative of the Director. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter.

Section 8100.2116 Substitution of Parties

A hearing officer shall order a substitution of parties on his own motion or upon the motions of any party to assure a complete adjudication of the issues presented in a hearing.

Section 8100.2118 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence or otherwise participate at the hearing. After presentation by the Department of proof that the respondent was given proper notice, the hearing officer shall make a recommendation to the Director. Where the Department fails to appear, the Notice of Hearing will be dismissed.

Section 8100.2120 Motions

- a) Motions shall be made in writing, unless otherwise allowed by the hearing officer during the course of a hearing. Written motions shall be limited to the following:
 - 1) to request dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;
 - 2) to request sanctions in accordance with Section 8100.2112 of this Part;

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- 3) to request sanctions in accordance with Section 8100.2130 of this Part;
 - 4) to request dismissal of Notice of Hearing where the Department's case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an Order or other sanction;
 - 5) to request a continuance, or extension of time, upon good cause shown in accordance with Section 8100.2122 of this Part;
 - 6) to request an Order granting a rehearing, or additional hearings;
 - 7) to request that a hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Notice of Hearing;
 - 8) to request that a hearing officer be disqualified from the hearing, for prejudice;
 - 9) to request that an Order be vacated or modified;
 - 10) to request separation of cases joined by the Department;
 - 11) to request that any party be held in default;
 - 12) to request consolidation of cases or parties;
 - 13) to request an Order limiting a response to a demand for bill of particulars or a request for discovery; and
 - 14) to request an Order, consistent with the expedited nature of administrative hearings, extending the time to complete discovery where it cannot be completed within the time limit set forth in Section 8100.2130 of this Part.
- b) When any motion is filed, the hearing officer may allow oral argument if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request, which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

Section 8100.2122 Requirements Relating to Continuances

- a) A request for continuance of a hearing shall be subject to the discretion of the hearing officer. Such continuance may be granted, for good cause shown, provided the request is received by the hearing officer and each party or authorized representative of record not less than five (5) days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, or

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similar reasons. Such request shall be in writing and shall set forth the grounds alleged therefor. Oral requests for continuances shall not be granted unless made during the hearing for good cause. "Good Cause" is shown when a petitioner or respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces or serious illness, relating to either party, that party's authorized representative of record, or essential witnesses.

- b) A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior scheduled hearing date at which time the hearing shall reconvene.
- c) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 8100.2130 of this Part, but only where upon "Good Cause" shown, in accordance with subsection (a) above, discovery could not be completed prior to the scheduled date of hearing.

Section 8100.2124 Rules of Evidence

- a) The hearing officer shall have authority to conduct the hearing, to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence, and to subpoena witnesses or documents at the request of any party.
- b) The technical rules of evidence shall not apply. Any relevant or material evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent men in the conduct of their affairs, regardless of the existence of any common law or statutory rule which excludes the admission of such evidence over objection in civil cases in the Circuit Courts of Illinois. The rules of privilege shall be followed to the same extent that they are recognized in civil or criminal cases in the Circuit Courts of Illinois. Irrelevant, immaterial and unduly repetitious evidence may be excluded. Objections to evidentiary offers must be timely made and noted in the record. When a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct the cross-examination required for a full and fair disclosure of the facts.
- c) Official notice may be taken of matters of which the Circuit Courts of Illinois may take judicial notice. In addition, notice may be taken of the Department's specialized knowledge in the Act. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, and they shall be afforded an opportunity to contest the material so noticed.
- d) Subsections (a), (b) and (c) do not relieve any party from its respective burden of proof or requirement to go forward with the presentation of evidence.

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Section 8100.2126 Form of Papers

All papers filed or submitted to the Department in a contested case shall be typewritten on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the name of each of the respondents and the file number assigned to the case by the Department. All pleadings must be signed by the party filing the same or authorized representative or attorney, and shall contain the party's business address and telephone number. A copy of any pleading shall be filed with the hearing officer, and the original served upon the attorney of record of the Department.

Section 8100.2128 Bill of Particulars

- a) Upon written demand made not more than fifteen (15) days after service of the Notice of Hearing and prior to the demanding party filing an answer to the Notice of Hearing, a party shall furnish to other parties a written bill of particulars.
- b) A response to a demand for bill of particulars shall be provided to each other party within ten (10) days of service of the written request.

Section 8100.2130 Discovery

- a) Discovery shall not be the subject of motions presented to the hearing officer, except as provided in Section 8100.2120 of this Part.
- b) Upon written request served on the opposing party, any party shall be entitled to:
 - 1) the name, business and home addresses and telephone number, if available, of each witness who may be called to testify;
 - 2) copies of each document which may be offered as evidence; and
 - 3) a description of any other evidence which may be offered.
- c) The above information will be provided within ten (10) days of service of a written request.
- d) Whether or not a request is made, during discovery a respondent shall be entitled to:
 - 1) any exculpatory evidence in the Department's possession. Exculpatory evidence is any evidence which tends to support the respondent's position or to call into question the credibility of a Department witness; and
 - 2) copies of any investigative report which purports to be a memorandum of interview of the respondent.

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- e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten (10) days of service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.
- f) No file of a Department examiner, investigator or attorney shall be subject to discovery except as stated in subsection (d) above relating to exculpatory evidence and memoranda of interviews of a respondent.
- g) In accordance with Section 8100.2136 of this Part, in large or complex cases, at the discretion of the hearing officer, a pre-hearing conference with the parties and the hearing officer may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the hearing officer may, at the pre-hearing conference, establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.
- h) Subject to constitutional privileges and to grants of confidentiality under the Act and the Illinois Freedom of Information Act (Ill. Rev. Stat., ch. 116, par. 201 et seq.) a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request within ten (10) days of service shall be deemed to be an admission thereof.
- i) These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.
- j) The hearing officer, upon application of any party to a proceeding where there has been a failure to abide by the discovery provisions herein, is authorized to take the following actions:
 - 1) limitation of evidence;
 - 2) substitution of written argument in place of oral argument; and
 - 3) exclusion of an attorney from the proceeding for conduct that impeded an orderly determination of the rights of the parties.

Section 8100.2132 Examination of Witnesses

- a) A party shall conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination does not descend to sheer abuse or harassment of a witness and the examination or cross-examination can be shown to be necessary to a

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full and fair disclosure of facts bearing upon matters in issue.

- b) If the hearing officer determines that a witness is hostile or unresponsive, the hearing officer shall authorize the examination by the party calling him or her as if under cross-examination.
- c) The Department may call any adverse party as a witness without vouching for his or her credibility and proceed to examine such adverse party as if under cross-examination. Any party calling a witness, upon a showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach that witness by evidence of prior inconsistent statements.
- d) Oral evidence shall be taken only on oath or affirmation.

Section 8100.2134 Subpoenas

- a) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of books, papers, accounts or documents at a hearing in a pending proceeding, shall be issued by the Department upon its own motion, and shall be issued upon application in writing by a party incorporating a showing that any such subpoena is reasonably required.
- b) Applications for subpoenas to compel the production of books, papers, accounts or documents desired shall be verified, and shall specify the books, papers, accounts or documents desired and the material or relevant facts anticipated to be proved by them.
- c) The costs for the preparation and service of each subpoena and the payment of witness fees shall be borne by the requesting party.
- d) The cost to prepare each Department subpoena shall be \$10.00 and shall be payable to the Department prior to the issuance of the subpoena. The cost to serve each subpoena shall be the same as provided to Sheriffs in Ill. Rev. Stat., ch. 53, par. 71. Notwithstanding, if the Department elects to mail a subpoena, the cost shall be \$5.00 plus the actual cost of certified or registered mail, return receipt requested, payable to the Department of Financial Institutions prior to the issuance of the subpoena. Witness fees shall be the same as provided for in Ill. Rev. Stat., ch. 53, par. 65 relating to witnesses attending trial in the Circuit Courts of Illinois.

Section 8100.2136 Pre-Hearing Conferences

Upon written request to the hearing officer by the Department or any respondent, the parties may be directed by the hearing officer to appear at a specified date, time and place for a pre-hearing conference, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and

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considering:

- a) the simplification of issues;
- b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;
- c) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- d) the limitation of the number of witnesses;
- e) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and
- f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

Section 8100.2138 Record of a Pre-Hearing Conference

Action taken at each pre-hearing conference pursuant to Section 8100.2136 of this Part shall be recorded in an appropriate ruling by the hearing officer, unless the parties file a written stipulation as to such matters or agree to a statement thereof made on the record.

Section 8100.2140 Hearings

The sequence to be followed for each contested case is as follows:

- a) Pre-Hearing Conference - Optional. The purposes are set out in Section 8100.2136 of this Part; and
- b) Hearings
 - 1) Preliminary matters - Motions, attempts to narrow issues or limit evidence;
 - 2) Opening Statements - The party bearing the burden of proof proceeds first;
 - 3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. As a witness' testimony is completed, he or she is subject to cross-examination;
 - 4) Defense (including affirmative defense) - Evidence and witnesses may be presented by the opposing parties;
 - 5) Rebuttal;

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- 6) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof; and
- 7) Hearing Officer's Report.

Section 8100.2142 Record of Proceedings

- a) At each hearing, except as otherwise provided herein, a permanent and complete record of the proceedings shall be taken at the Department's expense by electronic means or by a "shorthand reporter" as such term is defined in the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat., ch. 111, par. 6204).
- b) The Department upon request of a party shall arrange for the shorthand reporter to provide for such copies of the transcript as any other party may require and at such time as it may require same, provided that such other party shall pay directly to the shorthand reporter the payment for the cost of the transcript including one copy thereof to be furnished the Department for its use in any proceeding for Administrative Review as hereinafter provided, or otherwise.
- c) The requirement set forth in subsection (a) of this Section is not applicable in any case where all respondents have either defaulted, or submitted documents only, and the Department presents no evidence through witness testimony.

Section 8100.2144 Record of Hearing

- a) The record in a contested case shall include:
 - 1) all pleadings (which shall include all orders or notices of hearing and responses thereto, admissions, stipulations of facts, motions and rulings thereon and in the case of an agreed settlement, stipulation and consent and a consent order);
 - 2) all documentary evidence, if any;
 - 3) a statement of matters officially noticed, if any;
 - 4) a transcript of the proceedings, if required;
 - 5) any opinion, report or recommendation of the hearing officer to the Director;
 - 6) the findings of fact, conclusions of law and recommendations of the hearing officer;
 - 7) any objections or exceptions to the findings of fact, conclusions of law

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and recommendations of the hearing officer or portions of the findings of fact, conclusions of law and recommendations of the hearing officer; and

- 8) the findings of fact, conclusion of law and Order of the Director, shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- b) The record shall be certified by the Department upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Department.

Section 8100.2146 Orders

- a) The hearing officer shall prepare findings of fact, conclusions of law, and recommendations to the Director. The findings of fact and conclusions of law shall be stated separately.
- b) Any Order of the Director issued without a hearing pursuant to a temporary order as provided under Section 21 of the Act shall advise the respondent that any action for judicial review of the final order must be commenced within thirty-five (35) days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- c) The Order of the Director shall be the decision of the Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which respondent defaults, or upon issues which are resolved without a hearing pursuant to Section 1010(c) of The Illinois Administrative Procedure Act (Ill. Rev. Stat., ch. 127, par. 1001 et seq.).
- d) The Director after reviewing the hearing record shall, in writing:
 - 1) accept or reject in whole or in part the findings of fact, conclusions of law or the recommendations of the hearing officer; or
 - 2) require the submission of additional information or documentation; or
 - 3) order the hearing officer to conduct a rehearing or an additional hearing.
- e) Default orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 8100.2122 of this Part.
- f) A final Order of the Director shall be in writing. A copy of the final Order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or representative or attorney at such person's last known address.

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- g) The final Order of the Director shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- h) Final Orders of the Director shall be made available as follows:
 - 1) The Department will maintain an index by statutory section(s) involved in chronological order of all final Orders of the Director.
 - 2) Copies of said Orders may be reviewed at the Department's Springfield office and copies thereof may be obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

Section 8100.2148 Stipulations

Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof of any fact by evidence where matters of public interest are involved. At any stage of the hearing, or after all parties have completed the presentation of their evidence, the hearing officer may call upon any party or the Department for further material or relevant evidence upon any issue.

Section 8100.2150 Open Hearings

- a) Hearings shall be open to the public and may only be recorded by audio tape provided that such recording shall not disrupt, disturb or impede the hearing, as the hearing officer shall determine.
- b) All persons, including members of the media, shall be as quiet and as stationary as possible when the hearing is in progress.

Section 8100.2152 Corrections to the Transcript

Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is made available to the parties in the proceeding, unless the hearing officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon, or brought to the attention of, each party or attorney whose appearance is of record the official shorthand reporter, and the hearing officer. If suggested corrections are not objected to, the hearing officer shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the hearing officer, who shall then determine the manner in which the record shall be changed, if at all.

Section 8100.2160 Disputes Between Parties Certified or Registered by the Department

- a) The Department considers that the consuming public is best served by a viable, competitive and respected title insurance industry. To meet this objective it is in the best interest of the consumer and the title insurance

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industry that disputes between certified or registered parties be resolved in a manner that precludes undeserved damage to reputation, and limits the monetary cost to the participants.

- b) Where the Department receives a complaint from any certified or registered party (the "complainant") alleging conduct or practice by any other certified or registered party (the "respondent") which could result in any denial, suspension or revocation of any certificate of authority or registration issued or issuable pursuant to the Act ("adverse action"), the Director or the Director's authorized representative may where the facts are within the control of the complainant, or a Department investigation would substantially delay a resolution of the allegations, or no party is unduly prejudiced by this expedited procedure:
 - 1) direct the complainant to prepare and submit to the Department specific allegations which would result in adverse action for incorporation by the Department into a Notice of Hearing;
 - 2) direct the complainant and the respondent to appear and present evidence, if any, on the administrative complaint before a hearing officer at a time and place designated by the Department as provided in Section 8100.2104 of this Part; and
 - 3) subsequent to receipt of the findings of fact, conclusions of law and recommendation of the hearing officer enter an order as provided in Section 8100.2146 of this Part.
- c) The Department, the complainant and respondent may with the consent of the hearing officer and in the interests of justice enter into a stipulation establishing an expedited procedure for resolving the allegations contained in the Notice of Hearing.
- d) Anytime it appears to the Director or the Director's authorized representative that a complaint made under subsection (a) is for the purpose of harassment, embarrassment or intimidation, the Director or the Director's authorized representative shall terminate the proceeding and may initiate action against the complainant if authorized under the Act.
- e) This Section does not and should not be construed as delegating any authority, responsibility or control by the Director or the Director's authorized representative to any party to an administrative proceeding brought pursuant to the Act and the Sections of this Part.

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SUBPART I: CONSUMER PROTECTION

Section 8100.2400 Preamble

The Act provides that the Director shall rely upon federal law, regulations and opinion letters including the Real Estate Settlement Procedures Act of 1974 (RESPA)(12 USC 2601 et seq.), the regulations promulgated thereunder and issued opinion letters. The Sections of this Part are promulgated in order to form a basis to determine if there has been a violation of Section 24 of the Act, and to illustrate acts and practices as applied to transactions in the Illinois marketplace which can result in the initiation of administrative or civil action. Recognizing that changes in acts and practices occur, it is the intention of this Department, by amendment or other authorized procedure (e.g. legislation), to assure that the Sections of this Part accurately reflect the conduct sought to be prohibited by Section 24 of the Act.

Section 8100.2402 Standards of Conduct

- a) No title insurance company, title agent or independent escrowee shall pay, furnish, or agree to pay or furnish, either directly or indirectly, to or on behalf of any of the persons listed, any commission or any part of the fees or charges or any other thing of value as consideration for any past, present, or future title insurance business, any closing and settlement services or any other title business:
 - 1) any producer of title business, escrow business, or any associate of a producer;
 - 2) any obligee or prospective obligee of any obligation secured or to be secured either in whole or in part by real property or any interest therein; and
 - 3) any person who is acting as or who is in the business of acting as agent, representative, attorney or employee of any of the persons described in (1) and (2) above.
- b) As relates to transactions defined in Section 18.(a) of the Act as applied to the persons set forth in subsection (a) above and to the extent that there is any inducement or attempted inducement in the placement of title insurance business, closing and settlement services or any other title business, instances of acts and practices which violate RESPA standards and are unlawful include, but are not limited to:
 - 1) the disbursement of funds prior to the actual delivery of funds acceptable to the closing and settlement services agent;
 - 2) the disbursement of closing and settlement services funds before all necessary conditions of the transaction have been met;
 - 3) paying for, furnishing or offering to pay for or furnish any reward, or

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compensation for any past, present or future title insurance business or closing and settlement services or any other title business including, but not limited to, the payment of a fee to an attorney for the referral of title business;

- 4) paying or offering to pay, any fee to a producer of title business for making an inspection or appraisal of property;
- 5) any transaction in which any person, as set forth in subsection (a) above is to receive, securities of the title insurance company, title insurance agent or independent escrowee at prices below the normal market price, or bonds or debentures which guarantee a higher than normal interest rate, whether or not the consummation of such transaction is directly or indirectly related to the number of closing and settlement services or title orders coming to the title insurance company, title insurance agent or independent escrowee through the efforts of such person;
- 6) furnishing to any producer of title business or associate of a producer reports containing publicly recorded information, appraisals, estimates of income production potential, information kits or similar packages containing information about one or more parcels of real property helpful to any producer of title business without making a charge that is commensurate with the actual cost of the work performed and the material furnished;
- 7) making or guaranteeing or offering to make or guarantee, either directly or indirectly, any loan to any producer of title business or associate of a producer, with terms more favorable than otherwise available to the producer;
- 8) guaranteeing, or offering to guarantee, the proper performance of closing and settlement services or undertakings which are to be performed by any producer of title business;
- 9) providing, or offering to provide, either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the placement or channeling of title insurance business by such lending institution; this provision does not prohibit the maintenance by a title insurance company, title agent or independent escrowee of demand deposits or escrow deposits which are reasonably necessary for use in the ordinary course of the business of the title insurance company, title agent or independent escrowee;
- 10) paying for, or offering to pay for, the fees or charges of an outside professional (e.g., an attorney, engineer, appraiser, or surveyor) whose

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services are required by any producer of title business to structure or complete a particular transaction;

- 11) providing, or offering to provide, non-title services (e.g., computerized bookkeeping, forms management, computer programming, or any similar benefit) without a charge which is commensurate with the actual cost to any producer of title business or to any associate of a producer of title business;
- 12) furnishing, or offering to furnish, all or any part of the time or productive effort of any employee of the title insurance company, title insurance agent, or independent escrowee (e.g., office manager, escrow officer, secretary, clerk, messenger, etc.) to any producer of the title business or associate of a producer of title business;
- 13) paying for, or offering to pay for, all or any part of the salary of an employee of any producer of title business;
- 14) paying for, or offering to pay for, the salary or any part of the salary of a relative of any producer of title business which payment is in excess of the reasonable value of work performed by such relative on behalf of the title insurance company, title insurance agent or independent escrowee;
- 15) paying for, or offering to pay for, services by any producer of title business which services are ordinarily to be performed by such producer of title business in his licensed capacity as a real estate or mortgage broker or agent;
- 16) furnishing or offering to furnish, paying for or offering to pay for, furniture, office supplies, telephones, facsimile machines, equipment or automobiles to any producer of title business, or paying for, or offering to pay for, any portion of the cost of renting, leasing, operating or maintaining any of the aforementioned items;
- 17) paying for, furnishing, or waiving, or offering to pay for, furnish, or waive, all or any part of the rent for space occupied by any producer of title business;
- 18) renting, or offering to rent, space from any producer of title business, regardless of the purpose, at a rent which is excessive when compared with rents for comparable space in the geographic area, or paying, or offering to pay, rent based in whole or in part on the volume of business generated by any producer of title business;
- 19) paying for, or offering to pay for, gifts, vacations, business trips, convention expenses, travel expenses, membership fees, registration fees, lodging or meals on behalf of a producer of title insurance, directly

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or indirectly, or supplying letters of credit, credit cards or any such benefits;

- 20) paying for, or offering to pay the cancellation fee for a title report or other fee on behalf of any producer of title business either before or after inducing such producer of title business to cancel an order with another title insurance company, title insurance agent or independent escrowee;
 - 21) paying for or furnishing, or offering to pay for or furnish, any business form to any producer of title business other than a form regularly used in the conduct of the title insurance company's business and is furnished for the convenience of the title insurance company and does not constitute a direct monetary benefit to any producer of title business;
 - 22) giving of trading stamps, cash redemption coupons or similar items to any producer of title business.
- c) As relates to transactions defined in Section 18.(a) of the Act and as applied to the persons set forth in subsection (a) above, instances of acts and practices which do not violate RESPA standards and are lawful include, but are not limited to:
- 1) publishing or printing and disseminating by a title insurance company, title insurance agent or independent escrowee any education information notwithstanding that such information may be of benefit to a producer of title business;
 - 2) distributing by a title insurance company, title insurance agent or independent escrowee information, whether printed or oral, advertising novelties and gift items not to exceed Twenty-five dollars (\$25.00) in value that bear the name of the giver (but not the name of the recipient) to producers of title business;
 - 3) issuing by a title insurance company a letter in favor of any insured or other party in any transaction which guarantees to the insured or other party that the closing shall be conducted by itself or its registered title insurance agent, that the documents thereunder shall be recorded and distributed, and that the title insurance policy shall be issued in accordance with the terms of the insured's closing instruction letter;
 - 4) providing by title insurance companies, title insurance agents or independent escrowees reasonable promotional and educational activities that are not conditioned on the referral of business and that do not involve the defraying of expenses that otherwise would be incurred by persons in a position to refer settlement services or business incident thereto, such as a reception by a title company, seminars on title matters to professionals, furnishing property descriptions and names of record

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

SUBPART J: PUBLIC INFORMATION

Section 8100.3000 Non-Public Distribution of Information

Information or documents obtained by employees of the Department in the course of any examination, audit, visit, registration, certification, review, licensing or investigation pursuant to the Act, shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making disclosure of such confidential information or production of documents or any other non-public records of the Department or other governmental agency, unless the Director or the Director's authorized representative authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

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owners without charge to lenders, real estate brokers, attorneys, or others, or distribution of calendars and other promotional material, each, not to exceed Twenty-five dollars (\$25.00) in value.

d) Nothing in this Section shall be construed as prohibiting:

1) the payment of a fee which bears a reasonable relationship to the value of the services rendered or performed:

A) by any person or party to attorneys at law for services actually rendered; or

B) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance; or

C) by a lender to its duly appointed agent for services actually performed in the making of a loan, and which fee is paid to a settlement service provider for services outside of the normal scope of that provider's services to the parties to the transaction.

2) the payment to any person of a bona fide salary or compensation or other payment for goods or facilities actually furnished or for services actually performed, so long as the salary, compensation or other payment bears a reasonable relationship to the value of the services, goods or facilities.

3) proportionate returns on an ownership or franchise interest.

4) the ordinary and customary business entertainment or promotional activities by title insurance companies, title insurance agents or independent escrowees which are not directly or indirectly consideration as an inducement or compensation for the referral of title business or for the referral of any escrow or other service from a title insurance company, title insurance agent or independent escrowee.

on 8100.2405 Definition of the term "Thing of Value" as Used in This Subpart

The term "Thing of Value" as used in this Subpart includes, but is not limited to, monies, property, things, discounts, salaries, commissions, fees, duplicate payments of a charge, stock dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Joint Rules of the Environmental Protections Agency and the Department of Public Health: Certification and Operation of Environmental Laboratories

2) Code Citation:

35 Ill. Adm. Code 190

3) Section Numbers:

Adopted Action:

Not Applicable

Not Applicable

4) Statutory Authority:

Safe Drinking Water Act (42 USC Regulations (40 CFR 141.21 through 141.30 (1982)); Sections 4(o) and 4(p) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004(o) and 1004(p) and Sections 55.10 through 55.12 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 55.10 through 55.12).

5) Effective Date of Rules:

May 16, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☒

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☒ No ☐

8) Date Filed in Agency's Principal Office:

May 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

May 19, 1989 - 13 Ill. Reg. 7561

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

A) Statement of Objection: ☐ Ill. Reg. ☐

B) Agency Response: ☐ Ill. Reg. ☐

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In the Authority note "Section 1401(d) of the Safe Drinking Water Act".

2. In subsection (a) "These incorporation do not include any later editions or amendments".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

15) Summary and Purpose of Rules:

The amendment describes new methodology and required equipment which may be used for chemical analysis of public water supply samples for: arsenic, barium, cadmium, chromium, lead, zinc, nitrate, silver, copper, iron, manganese, chloride and sulfate.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments is published with the submission of the Illinois Environmental Protection Agency on page 8594 of this Illinois Register.

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers

	<u>Adopted Action</u>
1060.5	Amendment
1060.20	Amendment
1060.60	Amendment
1060.70	Amendment
1060.100	Amendment
1060.130	Amendment
1060.140	Amendment
1060.150	Amendment
1060.160	Amendment
1060.230	Amendment
1060.240	Amendment
1060.250	Amendment
1060.260	New Section

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) Effective Date of Amendments: May 18, 1990

6) Does this rulemaking contain an automatic repeal date? Yes ☒ No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: May 18, 1990

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 1859 (February 2, 1990).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

Due to the length of this proposed rulemaking, the spacing was altered to lessen the production cost of the Illinois Register. During a discussion with Code Unit personnel, it was agreed to leave the citations as they are shown within the proposed rulemaking.

In the Table of Contents, at Section 1060.250, the word "And" was capitalized to agree with the text heading currently on file.

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

In Section 1060.5, the following changes were made: In the definition of "Cancellation" the last four lines of this new language were deleted; in the definition of "Commercial Driver's License (CDL)", the cite "(Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3))" was added; the definition of "Restriction" which is also new language was changed to read as follows: "requirement or condition added to a driver's license which must be met by the license holder before he/she may legally operate a motor vehicle."

In Section 1060.150(a)(6), last line, the word "paragraph (d)" was changed to "subsection (d)."

In Section 1060.250(e), line 1, the word "certified" was stricken and replaced with the word "accredited"; in line 3 the word "certification" was stricken and replaced with the word "accreditation"; in the last line, the word "certification" was stricken and replaced with the word "accreditation."

In Section 1060.250(k), last line, the word "certification" was stricken and replaced with the word "accreditation."

In Section 1060.260(a)(1), lines 7 and 8, the word "Sections" was stricken and replaced with the word "subsections." These same words were changed in Section 1060.260(b)(1)(D).

Pursuant to discussions with the Joint Committee on Administrative Rules, the following changes were made:

At Section 1060.5 the definition of "Commercial Motor Vehicle" was changed as follows: immediately following the words "Federal regulations, the proper citation was inserted, i.e. "(49 CFR 383)" and the words "or the Secretary of State: were deleted; also in line 8 immediately after recreational vehicles the words "as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169)" were added; new definitions were added for "CDL Study Guide" and "Hazardous Materials."

At Section 1060.20, beginning at line 3, the new text was changed to read: "Section 6-401 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.)"

At Section 1060.70(c) an additional sentence was added: "Business that is reasonably related to driver training shall include but is not limited to (1) remedial education limited to programs licensed by the Department of Alcohol and Substance Abuse, (2) court sanctioned driver improvement programs."

At Section 1060.150(a)(6), line 16, a parenthesis was added before the "(d)" in the citation.

At Section 1060.150(a)(13), the second period was placed after the second parenthesis in "par. 6-411(a)."

At Section 1060.150(a)(14), line 2, immediately after the words "of the", the words "Illinois Rules of the Road of the" were added.

At Section 1060.250(a)(15)(B) the following was added at the end of the paragraph: "pursuant to Section 1060.70(c)."

At Section 1060.250(b)(22), the new language was changed to read as follows: "To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)"

At Section 1060.250(r)(3), last line, immediately after the word "years", the words "prior to date of application" were added immediately before the citation.

At Section 1060.260(a)(1), line 8, "1060.260" was deleted and the word "Part" was changed to "Section"; additionally in 1060.260(a)(2) the new language "all Rules" was deleted and replaced with "this Part."

At Section 1060.260(b), line 3, immediately after the word "prescribed", the new language was deleted and replaced with the following new language: "in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.) and Section 1060.80 of this Part."

At Section 1060.260(b)(1)(A), line 4, the language immediately following "of the" was deleted and replaced with: "requirements contained in 49 CFR 383.110-121. If said outlines are constructed along the lines of the requirements contained in 49 CFR 383.110-121, they shall be approved by the Director of the Department."

At Section 1060.260(b)(1)(A)(2), the new language was deleted and replaced as follows: "Revised outlines must be submitted in duplicate to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved."

At Section 1060.260(b)(1)(B), last line, "Section 1060.200(b)(2)(A)" was changed to "Section 1060.260(b)(1)(A)."

At Section 1060.260(b)(1)(C), "CDL Study Guide" was placed in initial caps.

At Section 1060.260(b)(1)(D), "subsection (b)(2)(A)" was changed to "subsection (b)(1)(A)."

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- 13) Will this rule replace any Emergency Rule(s) currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of Rule: These proposed rulemakings contain minor editorial and other changes made to the existing Sections. All applicable Sections have been amended to reflect the statutory amendments to §6-500 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code effective April 1, 1990. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500 et seq.) New §1060.260 contains the requirements of a licensed commercial driver training school to be accredited to offer instruction to persons who wish to obtain a CDL, and/or an endorsement(s) and/or a restriction(s) to their driver's license.

At Section 1060.260(b)(1)(E)(2), the new language was deleted and replaced with: "Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving."

At Section 1060.260(b)(1)(E)(3), the words "A manual on driver education" were deleted and replaced with "A CDL Study Guide."

At Section 1060.260(b)(1)(E)(4), line 5, the word "should" was deleted and replaced with the word "shall."

- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

At Section 1060.260(b)(1)(F)(1), the new language was deleted and replaced with: "Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121."

At Section 1060.260(c)(1)(B) at the end of the first sentence, the words "as determined by a physician" were added.

At Section 1060.260(c)(1)(C), the language was deleted and replaced with the following: "A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass."

At Section 1060.260(d)(1)(B), at the end of the first sentence, the words "as determined by a physician" were added.

At Section 1060.260(d)(1)(D), line 2, immediately after the words "based upon" the words "current textbooks" were deleted; additionally, immediately following the words "Commercial Motor Vehicle Safety Act of 1986" the language was added as follows: "(49 U.S.C. 2704) as provided for in subsection (c)(1)(C)"; also in the last line, immediately following "classification" the proper cite was added: "(92 Ill. Adm. Code 1030.35)."

At Section 1060.260(f) the language was deleted and replaced with the following: "The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

The full text of the Adopted Rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	Definitions
1060.5	Unlicensed Person May Not Operate Driver Training School
1060.10	Licenses
1060.20	Driver Training Schools Names
1060.30	Refund of Application Fees
1060.40	Main Office and Branch Office Facility
1060.50	Restriction of Locations
1060.60	Required Facilities
1060.70	School Classroom Facility
1060.80	Driver Training School Student Instruction Record
1060.90	Driver Training School Course of Instruction
1060.100	Driver Training School Contracts
1060.110	Inspection of School Facilities
1060.120	Display of License
1060.130	Safety Inspection of Driver Training School Motor Vehicles
1060.140	Additional Requirements of Applicants for a Driver Training Instructor's License
1060.150	Examination for Driver Training Instructor
1060.160	Licenses Not Transferable
1060.170	License May Not Be Assigned
1060.180	Surrender of Driver Training School License
1060.190	Temporary Permit
1060.200	Driver Training School Responsibility for Employees
1060.210	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.220	Hearings
1060.230	Accreditation
1060.240	Commercial Driver License
1060.250	Commercial Driver License and/or Endorsement and/or Restriction

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401 et seq.) and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 7(e) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1007(e)) and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411) at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective

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October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990.

Section 1060.5 Definitions

For purposes of this Part, the following definitions shall apply:

"Branch Office" - an office of a Commercial Driver Training School in a distinct location from the main office, but which conducts business under the name and as a part of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.) and which meets the requirements of Sections 1060.60-1060.80 of this Part.

"Cancellation" - the annulment or termination by formal action of the Secretary of driver training school's license or driver training school instructor's license because of some error or defect in the license or because the licensee is no longer entitled to such license.

"CDL and/or Endorsement Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to students who wish to obtain a CDL and/or endorsement.

"CDL Study Guide" - a study guide compiled by the Secretary of State from information contained in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-100 et seq.) and 49 CFR 383, which is designed to aid drivers in preparing for a CDL examination.

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3).)

"Commercial Driver Training School" - an entity licensed by the Secretary of State to engage in the business of giving instruction for a fee in the driving of motor vehicles or in the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401.)

"Commercial Driver Training Unit Section" - a unit of the Department of Driver Services which oversees the licensing of commercial driving schools and the instructors in commercial driver training schools.

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"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169) when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Fraud" - willful misrepresentation regarding a school, an instructor, or the results of completing the course.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)

"Instruction Record" - records kept by the instructor to reflect the number of hours a pupil in a Commercial Driver Training School attends behind-the-wheel and classroom instruction as provided in Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-418.)

"Main Office" - the primary office of the Commercial Driver Training School which is designed solely for conducting the business of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

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"Physical Facilities" - the building and items which constitute part of the building, including the telephone and the furniture.

"Restriction" - requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Revocation" - the termination by formal action of the Secretary of a commercial driver training school's license or a commercial driver training school instructor's license, which termination shall be subject to renewal or restoration identical to the provisions for revocation of a driver's license as provided in Section 1-176 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176.)

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-13)), aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-14)), criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-15)), aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-16)), juvenile pimping (Section 11-19.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-19.1)); soliciting for a juvenile prostitute (Section 11-15.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-15.1)); unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 1401 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1401)), sale, delivery or exchange of instruments used for illegal drug use or abuse (Section 22-51 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 22-51)), delivery of a controlled substance which includes counterfeit and look alike substances (Section 1407.1 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1407.1)), manufacture or delivery of cannabis (Section 705 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 705)), delivery of cannabis (Section 707 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 707)), and the production of the cannabis plant (Section 708 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 708)), and illegal possession in a motor vehicle of any controlled substance or any cannabis. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206(a)(28).)

"Short Review Course" - a course offered by Commercial Driver Training Schools to pupils who have previously held or currently hold a valid driver's license and which does not meet the requirement of six (6) hours of classroom instruction and six (6) hours behind-the-wheel instruction.

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"Surety Bond" - a written obligation whereby another person assumes liability for another's debts or defaults of obligation.

"Suspension" - the procedures for temporary withdrawal of a commercial driver training school's license or commercial driver training school instructor's license identical to the provisions for the suspension of a driver's license as provided in Section 1-204 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204.)

"Teen Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to teenage pupils.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)

Section 1060.20 Licenses

a) The Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle ~~that is~~ owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school;

3) The physical facilities meet the requirements of Sections 1060.50, 1060.60, 1060.70, and 1060.80 of this Part;

4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(a).) In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the applicant has been convicted of a crime; or,
- B) the age of the applicant at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the applicant's last criminal conviction; or,

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D) the relationship of any crime convicted of to the ability to operate a driver training school; or,

E) any evidence of rehabilitation after a criminal conviction; or,

F) opinions of community members concerning the applicant.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

c) No person or group licensed as a driver training school, or any agent, servant or employee of any driver training school, shall give driver training instruction unless licensed by the Department as a driver training instructor.

d) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

e) No school shall operate before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401 et seq.)

f) No school may remain in operation if its license to do business in Illinois is suspended, revoked, cancelled or not renewed.

g) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities which are not up to standards only for the duration of the courses which have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, state or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.

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(h) Investigation and inspection by the Department

Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

fi) Licenses shall be issued by the Department.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)
Section 1060.60 Restriction of Locations

a) A Main Office or Branch Office may use a telephone answering service; however, no solicitation of students may be made other than from the Main Office or Branch Office.

b) The use of telephone mileage lines from the Branch Office or Main Office is permitted; however, no new business shall be conducted from a private residence by the use of a mileage line.

c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-405.)

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)

Section 1060.70 Required Facilities

The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406), and, in addition:

1) Main Office and each Branch Office shall have a minimum of 150 square feet of office space, and,

2) School facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present, and,

3) The Main Office and each Branch Office facility of each driver training school shall not be used to conduct any business other than driver training. Business that is reasonably related to driver training shall include but is not limited to (1) remedial education limited to programs licensed by the Department of Alcohol and Substance Abuse, (2) court sanctioned driver improvement programs.

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(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)
Section 1060.100 Driver Training School Course of Instruction

a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.

b) No discounts, premiums or other inducements shall be offered or provided to any student who declines the classroom phase of instruction.

c) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

d) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.

e) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.

f) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.

g) All driver training schools shall have a licensed instructor available so that the student may receive the proper classroom and behind-the-wheel instruction within a reasonable time after the student has indicated his desire for driving instruction.

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b) ~~1444f~~ Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at Driver's License Examination Facility for testing purposes. If more than one student is present in the training car, (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at Driver's License Examination Facility for testing purposes.

1) Each driver training school must submit a "Slow Learner Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel or classroom instruction periods taken for every student who has had twenty (20) hours of behind-the-wheel or classroom instruction. A supplementary "Slow Learner Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.

1) A student must possess a current and valid instruction permit.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)
Section 1060.130 Display of License

Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-409.) In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)

Section 1060.140 Safety Inspection of Driver Training School Motor Vehicles

a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.

b) Motor vehicles which have passed safety inspection shall be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to

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be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.

d) No motor vehicle may be used for driver training unless:

1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code; Commercial motor vehicles are exempt from this requirement.

2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement.

3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(b).)

4) It is ~~registered~~ owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department pursuant to Statute and these Rules, or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and serial number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

5) It is in safe operating condition;

6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;

7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the

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Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(c).);

- 8) It displays a current and valid safety inspection certificate/sticker.
- 9) Current and valid registration on the vehicle used for driver training must be retained in the vehicle.

e) The Department shall not issue an insurance sticker until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.

f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990.)

Section 1060.150 Additional Requirements of Applicants for a Driver Training Instructor's License

a) The Department shall not issue a driver training instructor's license:

- 1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license. The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation or an unsatisfied judgment, as described in 92 Ill. Adm. Code 1040.42; or an administrative revocation which has been rescinded;
- 2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;
- 3) To any person who has had more than one (1) conviction of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;

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- 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), leaving the scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3), reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503), or any sex or drug related offense within 10 5 years prior to date of application;
- 5) To any person who has failed to pass the written or road test required by the Department for applicants for a driver training instructor's license;
- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d).) An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain any history of epilepsy, diabetes, heart disease, respiratory disease, or genital urinary disease. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section.
- 7) To any person who fails to properly and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-417.);
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or

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c) No driver training instructor shall teach a person to operate a motor vehicle behind-the-wheel instruction in a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. All classes A and B vehicles, an instructor holding a Class A license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class A license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code before being issued an instructor's license for classroom instruction only. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g).)

e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)

Section 1060.160 Examination for Driver Training Instructor

a) Each individual desiring to be licensed as a driver training instructor for a specific driver training school, must pass a written test, traffic control test, vision test, and a driving test which will be offered by the Department at periodic intervals.

1) The written test shall consist of questions dealing with:

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commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(b).);

11) To any person who is not at least 21 years of age and a resident of the State of Illinois;

12) To any person who has failed to comply with the provisions of the these Rules pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d).);

13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(a).) In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the person has been convicted of a crime; or,
- B) the age of the person at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the person's last criminal conviction; or,
- D) the relationship of any criminal convicted to the ability to teach as a driver training instructor; or,
- E) any evidence of rehabilitation after a criminal conviction; or,
- F) opinions of community members concerning the applicant.

14) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)

b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

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- A) Chapter 95 1/2 of the Illinois Revised Statutes;
- B) Safe Driving Practices;
- C) Operation of Motor Vehicles;
- D) Teaching Methods; and,
- E) Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

2) In order to pass the written test which consists of one hundred (100) true/false and multiple choice questions, an individual shall answer at least eighty-five (85) of the questions correctly.

3) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.70 in order to pass the vision test.

4) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.85 in order to pass the road test. The Department shall not issue a driver training instructor's license to any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d)). The physician's medical examination form shall contain any history of epilepsy, diabetes, heart disease, respiratory disease, or genital urinary disease. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with Section 1060.150(d) of this Part.

5) The individual shall not miss any questions on the official traffic control device test in order to pass the test.

b) Each applicant will be given a maximum of three (3) opportunities in a calendar year to pass the driver training instructor's examination. Individuals who have failed at their first attempt must wait at least two (2) days before taking a second examination. Individuals who have failed their second examination must wait at least two (2) weeks before taking a third examination. Individuals who have failed their third examination must wait at least one (1) year from the date of the third failure before making a new application. However, no individual will be given a subsequent examination unless proof is presented to

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the Department that the applicant has participated in a course of instruction designed to educate the applicant and prepare him for the driver training instructor's examination.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990.)

Section 1060.230 Hearings

As indicated, when requested to conduct the examination, the Department shall issue a written notice to the applicant of the date and time of the examination. The applicant shall appear at the examination on the date and time specified in the notice. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code §1001, Subpart A and Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118), the sanction shall be stayed pending the outcome of such hearing. The basis for such cancellation, suspension, revocation, or denial of a license or renewal of a license is stated in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code and §6-420 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420.)

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990.)

Section 1060.240 Commercial Driver Training School Accreditation

a) Accreditation of the School - Each potential commercial driver training school which desires to offer instruction to those under the age of 18 must be certified accredited by the Secretary of State through the Department of Driver Services (Mandatory request for the Department) before such instruction can be offered or advertised.

1) No school shall be certified before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.).

2) No school may remain certified if it is licensed to do business in Illinois is suspended, revoked or not renewed.

3) Upon receipt of proper application for certification for accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's

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facilities. At the time of the visit, the Secretary of State shall require each employee who has been certified by the Department of Transportation to verify that the school meets the standards set forth for commercial driving schools in Section 6-401 et seq. of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.). In addition, the school shall meet the standards for commercial driver school ~~teen~~^{adult} accreditation that are set forth in Sections 1060.240(b) through (h) of this ~~rule~~ Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.

(42) The accreditation of each school is renewable on January 1 of each year provided all qualifications and standards are met and provided the school has been in compliance with all rules.

[illegible]

(b) Only qualified teaching personnel may teach persons under age 18. Exception: In the event of any emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains uncompleted, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must give prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

b) Required Facilities - All teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as

administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must provide in each classroom the following additional facilities and equipment: comply with Section 1060.80 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

IX. Required Physical Facilities

[illegible][illegible][illegible]

21) Required Instruction

A) Two (2) copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

i) ~~00411144~~ Accredited teen driver training schools must follow the approved classroom and ~~144444~~ behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall takeplace every two (2) months.

ii) If such classroom or ~~any~~ behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or ~~any~~ behind-the-wheel outline has been approved.

B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in ~~§ 44.541~~ (A) paragraph (b) (2) of this Section.

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- C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students and teachers.

c) Teacher Qualifications

- 1) Classroom Teacher Qualifications - Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411), pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.

A) The instructor must possess good physical and mental health.

- A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.150, 1060.160 and 1060.260 of this Part.

- B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

C) The instructor must qualify under one of the following requirements:

- i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3). (Minor - 16 semester hours).

- ii) Hold a baccalaureate degree, have one (1) year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.

- iii) Complete the 48 hour course or an equivalent college or university course approved by the Director of the Department, and have one (1) year of experience teaching behind-the-wheel to adults.

- iv) Complete the 48 hour course or an equivalent college or university course approved by the Director of the Department, and have one (1) year of experience teaching behind-the-wheel to adults.

- 2) In-classroom Behind-the-wheel Teacher Qualifications - In-classroom Behind-the-wheel teachers of driving shall be those who have passed an objective typewritten examination based upon current textbooks and the Motor Vehicle Code; a practical test

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regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-411(a) through (f) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-411(a) through (f)) and supplementary regulations.

A) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

- A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.150 and 1060.160 of this Part.

- B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

C) The instructor must qualify under one of the following requirements:

- i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3).

- ii) Hold a baccalaureate degree and have one (1) year of experience in teaching behind-the-wheel to adults.

- iii) Have seven (7) years of uninterrupted teaching experience in a commercial driver training school.

- iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and have one (1) year of experience teaching behind-the-wheel to adults.

- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than eight (8) clock hours of instructional work daily.

- d) Classroom Instruction - for persons under age 18 years

- 1) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than two (2) hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students

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cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

2) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

3) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

4) Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit the student to be absent from more than four (4) class sessions without requiring the student to re-enroll in a later course and to start over.

5) The teaching facilities must provide comfortable seating for at least twelve (12) students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

6) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

7) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

8) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

9) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equip-

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ment, or materials provided by the commercial driving school.

10) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.

11) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within three (3) days of the date classroom instruction begins on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

e) Laboratory Instruction - for persons under age 18 years

1) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least four (4) hours of classroom instruction must be given before ~~the~~ behind-the-wheel lessons are started.

2) ~~Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.~~
~~Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.~~

2) ~~Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.~~
~~Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.~~

3) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than ninety (90) minutes for each student per session. The accumulation of six (6) hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of six (6) hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

4) Each student shall receive a minimum of six (6) full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

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STATE 1987, CH. 38, PAR. 12-14-11, CRIMINAL SEXUAL ABUSE (SECTION 12-15 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 12-13)) AGGRAVATED CRIMINAL SEXUAL ABUSE (SECTION 12-16 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 12-16)) JUVENILE PLUNGING (SECTION 11-19-1 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 11-19-1)) SOLICITING FOR A JUVENILE PROSTITUTE (SECTION 11-13-1 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 11-13-1)) UNAUTHORIZED MANUFACTURE OF DELIVERY OF A CONTROLLED SUBSTANCE WHICH SHALL INCLUDE CONSPIRACY (SECTION 14-01 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 14-01)) SALE/DELIVERY OF EXCHANGE OF SUCH INSTRUMENTS USED FOR ILLEGAL DRUG USE OF ABUSE (SECTION 22-51 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 22-51)) DELIVERY OF A CONTROLLED SUBSTANCE WHICH SHALL INCLUDE CONSPIRACY AND LOOKALIKE SUBSTANCES (SECTION 14-07-1 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 14-07-1)) MANUFACTURE OF DELIVERY OF CANNABIS (SECTION 1-21 OF THE CANNABIS CONTROL ACT (ILL. REV. STAT. 1987, CH. 38, PAR. 1-21)) DELIVERY OF CANNABIS (SECTION 7-07 OF THE CANNABIS CONTROL ACT (ILL. REV. STAT. 1987, CH. 38, PAR. 7-07)) AND PRODUCTION OF THE CANNABIS PLANT (SECTION 7-08 OF THE CANNABIS CONTROL ACT (ILL. REV. STAT. 1987, CH. 38, PAR. 7-08))

ISAPENSATION / THE PROCEEDURES FOR TEMPORARY WITHDRAWAL OF A COMPLETION DRIVER TRAINING SCHOOL LICENSES OF COMPLETION DRIVER TRAINING SCHOOL INSTRUCTORS LICENSES IDENTICAL TO THE PROVISIONS FOR THE SUBSEQUENCE OF A DRIVER'S LICENSE AS PROVIDED IN SECTION 1-204 OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95, PAR. 1-204)

ITENANCE PHASE / A STUDENT WHO IS AT LEAST FIFTEEN (15) YEARS OF AGE BUT NOT YET EIGHTEEN (18) YEARS OF AGE

(b) AN APPLICATION FOR A COMPLETION DRIVER TRAINING SCHOOL LICENSES OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE SHALL BE DENIED The Secretary of State shall deny a Driver Training School License:

- 1) To any person not of good moral character as provided in 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(a).);
- 2) To any person who is not at least 21 years of age as provided in Section 6-402(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(b).);

- 3) To any person who lacks a minimum of a high school education or the equivalent as provided in 6-402(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(c).);
- 4) To any school which fails to meet these vehicle standards:
 - A) At least one vehicle owned or leased by the school as provided in Section 1060.140(d)(4) of this Part;
 - B) Proper bodily injury and property damage liability insurance as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e)) and Section 1060.20 of the Part;
 - C) Proper surety bond as provided in 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f).);
 - D) Vehicle fails to pass Illinois Department of Transportation Safety Inspection test as provided in Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410) and Section 1060.140 of this Part;
 - E) Proper registration plates pursuant to Section 3-402 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-402.);
 - F) Dual brakes as provided in Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(b) and Section 1060.140(d)(1) of this Part;
 - G) Mirrors on both sides of vehicle as provided in Section 1060.140(d)(3) of this Part;
 - H) Adequate advertising sign as provided in 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(c) and Section 1060.140(d)(7) of this Part;
- 5) To any person who submits a fraudulent application as provided in Section 6-420(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3).);

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- 6) To any person who does not submit the proper fee pursuant to Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i)).;
- 7) To any person who owned another school for which the license is currently revoked;
- 8) To any person who has their license revoked while serving as an Instructor with another school;
- 9) To any person who is currently the owner of another Commercial Driver Training School pursuant to Section 1060.20 of this Part;
- 10) To any person who is operating an unlicensed School pursuant to Section 6-401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 401) and Section 1060.10 of this Part;
- 11) To any person who is currently employed by the Secretary of State pursuant to Section 1060.20 of this Part;
- 12) To any person who owes any outstanding fees to the Secretary of State as provided in Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3)).;
- 13) To any person who submits a name that is not distinguishable from that of another driving school upon the records in the Office of the Secretary of State as provided under Section 4.05 of the Business Corporation Act of 1983, (Ill. Rev. Stat. 1987, ch. 32, par. 4.05(a)(3)).;
- 14) To any School that lacks a licensed Instructor pursuant to Section 1060.20(a)(2) of the Part;
- 15) To any School that fails to meet location standards in one or more of the following ways:
- A) Office is not owned or leased by school applicant pursuant to Section 6-403 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403.);
- B) Location is not primarily ~~not~~ used for driving school purposes ~~not~~ of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403.) used to conduct any business that is not reasonably related to driver training pursuant to Section 1060.70(c);

- C) Location is not zoned for business pursuant to Section 6-404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-404.);
- D) Location is not in permanent commercial site as provided in Section 6-405 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-405.);
- E) Insufficient space for classroom and/or office pursuant to Section 6-406(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406(d)).;
- F) Inadequate lighting, heating, and ventilation pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406(c)).;
- G) Fails to comply with public health, safety, and sanitation standards per State and local laws pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
- H) Fails to have a telephone that registers to the School pursuant to Section 6-402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(h)).;
- I) Fails to have a permanent sign meeting standards pursuant to Section 6-404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
- J) Fails to have business hours posted in a prominent location pursuant to Section 1060.70 of this Part;
- K) Classroom is not within the same premises as the main office facility as provided in Section 1060.80(b)(3) of this Part;
- L) Location is within 1500 feet of a Secretary of State facility or station pursuant to Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-407.);
- M) Classroom facility does not contain the following:
- 1) Seating facilities and writing surfaces for not less than 12 students pursuant to Section 1060.80 (a)(1) of this Part;

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- 2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license as provided in Section 1060.150(a)(2) of this Part;
- 3) To any person who has had more than one (1) conviction arising from an auto accident within the two (2) year period immediately preceding the date of application for instructor's license as provided in Section 1060.150(a)(3) of this Part;
- 4) To any person who has been convicted of driving under the influence of alcohol and/or drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), leaving the scene of a fatal accident pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3) or reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503), within 5 years prior to date of application as provided in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420) and Section 1060.150(a)(4) of this Part;
- 5) To any person who has failed to pass the written or road test required by the Secretary of State for applicants for a driver training instructor's license as provided by Section 6-411(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(c)) and Section 1060.150(a)(5) of this Part;
- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as provided in Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 411(d)) and Section 1060.150(a)(6) of this Part;
- 7) To any person who fails to properly make application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license as provided in Section 1060.150(a)(7) of this Part;
- 8) To any person who is not employed or associated with a driver training school licensed by the Secretary of State as provided in Section 1060.150(a)(8) of this Part;

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- ii) Charts, and diagrams, traffic signs, or pictures relating to the operation of motor vehicles and traffic laws pursuant to Section 1060.80(a)(2) of this Part;
 - iii) Blackboards which are visible from all seating areas pursuant to Section 1060.80(a)(3) of this Part;
 - iv) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws pursuant to Section 1060.80(a)(4) of this Part;
 - v) Two fire extinguishers in operable condition pursuant to Section 1060.80(a)(5) of this Part;
- N) Branch classroom does not meet the following criteria:
- i) The branch classroom meets all the requirements of the main classroom facility as provided in Section 1060.80(b)(1) of this Part;
 - ii) The branch classroom is not more than fifty (50) miles from the main office or five (5) miles from a branch office operated by the driver training school pursuant to Section 1060.80(b)(2) of this Part;
 - iii) Each main classroom or branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility pursuant to Section 1060.80(b)(3) of this Part;
- 16) To any school which fails to comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code", (71 Ill. Adm. Code 400.1)
- 4b) The Secretary of State shall deny a driver training instructor's license:
- 1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license. The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation, or an unsatisfied judgment as provided in Section 1060.150(a)(1) of this Part;

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- 9) To any person who is currently a salaried employee of the Secretary of State as provided in Section 1060.150(a)(9) of this Part;
- 10) To any person who fails to supply a complete set of his fingerprints to the Secretary of State as provided by Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(b)) and Section 1060.150(a)(10) of this Part;
- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois as provided in Section 1060.150(a)(11) of this Part;
- 12) To any person who has failed to comply with Section 1060.150(d)(6) of this Part pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1987, ch. 95 1/2, par. 6-411(d));
- 13) To any person of poor moral character as provided in Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(a));
- 14) To any person who lacks a minimum of a high school education or equivalent as provided in Section 6-411(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(f));
- 15) To any person who has submitted a perjured application as provided in Section 6-420(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3));
- 16) To any person who fails to submit a proper fee as provided in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g));
- 17) To any person who is employed by or owns another driving school pursuant to Section 1060.20 of this Part and Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-417);
- 18) To any person whose Commercial Driver Training Instructor's License is currently revoked as provided in Section 6-420(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(1));
- 19) To any person whose school license is currently revoked;

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- 20) To any person who has had his privilege to obtain a license suspended in violation of Section 1060.10 of this Part; and
- 21) To any person who owes any outstanding fees to the Secretary of State pursuant to Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3));
- 22) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)
- 4c) A commercial driver training school license and instructor's license shall be cancelled, suspended, or revoked depending on the severity of the infraction if the school or instructor violates the regulations and laws governing commercial driver training schools as found in Section 1060.250 (4c) through (s) and Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.)
- 4d) A school licensee shall be given a written warning and ten business (10) days to correct the following violations or have its license cancelled:
- 1) a violation of any requirements in Sections 1060.50, 1060.60, 1060.70, and 1060.80 and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403, 6-404, 6-405, 6-406, and 6-407) relating to the physical facilities of the school;
 - 2) improper record keeping in violation of Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-408);
 - 3) failure to produce records upon demand by an employee of the Commercial Driver Training School Section;
 - 4) failure of school to own or lease a vehicle;
 - 5) failure of a vehicle used for instruction to have a safety inspection certificate sticker;
 - 6) failure to pay the fees required by Section 6-402(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(1)).

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school engages in a second fraudulent activity within two (2) years, the instructor's license and/or school's license shall be revoked.

p) The instructor or school who wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$100.00 for schools as required by 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i)) and \$10.00 for instructors as required by 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g)).

q) A commercial driver training school license shall be revoked if the school is given four (4) or more written warnings within a twelve (12) month period for any type of violation of this Part or Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.)

r) An instructor's license shall be revoked:

1) if he/she is convicted of the following:

A) A violation of Section 11-501 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501) relating to driving under the influence of drugs and/or alcohol;

B) A violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503) relating to reckless driving;

C) A violation of Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3) relating to reckless homicide;

D) A violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, ch. 11-401) relating to leaving the scene of a fatal accident; or

E) any sex or drug related offense.

2) if he/she has been given four (4) or more written warnings within a twelve (12) month period for any type of violation of the provisions of this Part or he/she engages in a second fraudulent activity (as defined in Section 1060.250(a)) within twelve (12) months.

3) if he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code, which has terminated within the last 5

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years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)

s) A revocation shall be for an indefinite time period. After one (1) year, the school or instructor may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001, Subpart A.

(Source: Amended at 14 Ill. Reg. 8658, effective May 18, 1990)

Section 1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation

a) Accreditation of the Program - Each commercial driver training school which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections 1060.260(b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification (or the equivalent classification until April 1, 1992) may teach the drive portion of instruction.

b) Required facilities - All CDL and/or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.) and Section 1060.80 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate

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the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required course of instruction:

- A) Two copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49 CFR 383.110-121. If said outlines are constructed along the lines of the requirements contained in 49 CFR 383.110-121, they shall be approved by the Director of the Department.

- 1) Driving schools must follow the approved CDL classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

- 2) Revised outlines must be submitted in duplicate to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved.

- B) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films which correspond with the outline described in Section 1060.200(b)(1)(A) of this Part.

- C) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.

- D) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be offered on an hourly basis, but need not correspond to outlines required in subsection 1060.260(b)(1)(A) of this Part. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

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- E) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

- 1) Each classroom course must have a definite starting date and completion date.

- 2) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

- 3) A CDL Study Guide must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.

- 4) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.

- 5) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

- 6) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.

- 7) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period, unless the course is cancelled and the student is refunded any fees already paid.

- F) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.

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- 1) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.
- 2) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.
- 3) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.
- c) Classroom teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Chapter 95 1/2, Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411.)

1) Required classroom teacher qualifications:

- A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.150 and 1060.160 of this Part.
- B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and physician.
- C) A classroom instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.
- d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the

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standards of Chapter 95 1/2, Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411.)

1) Required behind-the-wheel teacher qualifications:

- A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.150 and 1060.160 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach.
- B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
- C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.
- D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704) as provided for in subsection (c)(1)(C). In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

- 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of three (3) years.
- 2) The driving school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.90 of this Part.
- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver

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training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Added at 14 Ill. Reg. 8658, effective May 18, 1990.)

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section numbers: 1020.70
Adopted Action:
New Section
- 4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 5-100 et seq. and 2-104(b))
- 5) Effective Date of Amendment: June 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1990
- 9) Notice of Proposal Published in Illinois Register:
December 8, 1989, 13 Ill. Reg. 19241
- 10) Has JCAR issued a Statement of Objections to these amendments? Yes
 - A) Statement of Objection: March 23, 1990 - 14 Ill. Reg. 4761
 - B) Agency Response: June 1, 1990, 14 Ill. Reg. 8738
 - C) Date Agency Response Submitted for Approval to JCAR: April 2, 1990
- 11) Differences between proposal and final version:
 1. Added "at the rebuilder's established place of business" after "vehicles" and before "unless" in the third line of Section 1020.70.
 2. Added the following sentence at the end of the Section: "Nothing herein shall prohibit a rebuilder from selling four or less used vehicles at any location other than the established place of business."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rules: These rules would prohibit rebuilders from selling salvage or rebuilt vehicles to individuals unless they are licensed as used or new car dealers.

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the adopted amendment(s) begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1020

DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section

1020.10	Dealers Established Place of Business
1020.20	Required Records For Automotive Parts Recyclers and Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
1020.40	Inspection of Licensees' Records and Premises
1020.50	Consignment Sales by Dealers
1020.70	Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 5-100 et seq. and 2-104(b)).

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 14 Ill. Reg. 8704, effective June 1, 1990.

Section 1020.70 Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

Rebuilders licensed under Section 5-301 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code shall not engage in the retail selling of salvage or rebuilt vehicles at the rebuilder's established place of business unless they are licensed as a new car dealer or used car dealer as provided in Sections 5-101 or 5-102 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code. Nothing herein shall prohibit a rebuilder from selling four or less used vehicles at any location other than the established place of business.

(Source: Added at 14 Ill. Reg. 8704, effective June 1, 1990.)

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1) Heading of Part: Issuance of Licenses2) Code Citation: 92 Ill. Adm. Code 10303) Section Numbers

1030.30

Adopted Action

Amendment

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) Effective Date of Amendments: May 16, 19906) Does this rulemaking contain an automatic repeal date? Yes X No.7) Does this amendment contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: May 16, 19909) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 179 (January 5, 1990).10) Has JCAR Issued a Statement of Objections to this Rule? No.11) Differences between proposal and final version.

The Administrative Code Division, Office of the Secretary of State had no suggested changes.

Pursuant to suggestions and comments from the Joint Committee on Administrative Rules, the following changes were made:

In paragraph (a) the definitions for "Endorsements" and "Hazardous Material" were added to clarify JCAR's questions of Section 1030.30(b); in the Table of Contents "1030.95 Consular Licenses" is the correct title; since this rule was amended previously.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.13) Will this rule replace any Emergency Rule(s) currently in effect? No.14) Are there any other amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.16	New Section	May 11, 1990
1030.30	Amendment	(14 Ill. Reg. 7130)
1030.50	Amendment	14 Ill. Reg. 179
1030.55	Amendment	(January 5, 1990)
1030.60	Amendment	(February 16, 1990)
1030.80	Amendment	14 Ill. Reg. 2530
1030.84	Amendment	(February 9, 1990)
1030.85	Amendment	14 Ill. Reg. 2530
1030.92	Amendment	(February 16, 1990)
1030.94	Amendment	14 Ill. Reg. 579
Appendix A	Amendment	(January 12, 1990)
		14 Ill. Reg. 2852
		(February 23, 1990)
		14 Ill. Reg. 2289
		(February 9, 1990)
		14 Ill. Reg. 2852
		(February 23, 1990)
		14 Ill. Reg. 1902
		(February 2, 1990)
		14 Ill. Reg. 2289
		(February 9, 1990)

15) Summary and Purpose of Rule: This proposed rulemaking contains the classification system governing Illinois driver's licenses.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

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TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

Section

- 1030.10 What Persons Shall Not be Licensed or Granted Permits
- 1030.11 Procedure for Obtaining a Driver's License
- 1030.15 Cite for Re-examination
- 1030.20 Classification of Drivers-References
- 1030.30 Classification Standards
- 1030.40 Fifth Wheel Equipped Trucks
- 1030.50 Bus Driver's Authority, Religious Organization
- 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
- 1030.60 Employer Certification Program
- 1030.63 Religious Exemption for Social Security Numbers
- 1030.65 Instruction Permits
- 1030.70 Driver's License Testing/Vision Screening
- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
- 1030.80 Driver's License Testing/Written Test
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts/Road Test
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Licenses
- 1030.90 Requirement For Photograph and Signature of Licensee On Driver's License
- 1030.91 Disabled Person/Handicapped Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- Appendix A Questions Asked of a Driver's License Applicant
- Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12679; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990.

Section 1030.30 Classification Standards

a) For purposes of this Section, the following definitions shall apply:

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight, whichever is greater.

"Hazardous Material" - a substance in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)

"Secretary of State" - the Secretary of State of Illinois.

4b) Driver's License Classification System

All driver's licenses ~~of~~ ~~4144~~ issued by the Office of the Secretary of State after April 1, 1990, shall be classified as to the kind and type of vehicle(s) the holder is licensed to drive, as follows:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles.

4) Class D:

A) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded; or

B) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded, towing any vehicle providing the GVWR is less than 26,001 pounds.

Holders of a Class D license may operate all vehicles within Class D, but are not authorized to operate motorcycles or motor driven cycles.

5) Class L: Any motor driven cycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-148.)

6) Class M: Any motorcycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-147.)

(Source: Amended at 14 Ill. Reg. 8707, effective May 16, 1990)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Marking, Inventory, Transfer and Disposal of State-owned Personal Property

2) Code Citation: 44 Ill. Adm. Code 5010

3) Section Numbers: Emergency Action:

5010.110	Amendment
5010.610	Amendment
5010.660	Amendment
5010.670	Amendment
5010.710	Amendment
5010.720	Amendment
5010.730	Amendment
5010.740	Amendment
5010.1140	Amendment

4) Statutory Authority: Implementing and authorized by P.A. 86-459.

5) Effective Date of Emergency Amendments: May 15, 1990

6) If these Emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire:

7) Date Filed in Agency's Principal Office: May 15, 1990

8) Reason for Emergency:

To allow direct purchase of surplus state personal property by a variety of charitable and not-for-profit entities.

9) A Complete Description of the Subjects and Issues Involved:

Amends Property Control Act to provide for direct sale to charitable and not-for-profit entities.

10) Are there any Proposed Amendments pending to this Part? No.

11) Statement of Statewide Policy Objectives: These amendments have no impact on local governments.

12) Information and questions regarding these Emergency Amendments shall be directed to:

John Brazaitis
710 Stratton Office Building
Springfield, IL 62706
(217)524-4444

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5010

MARKING, INVENTORY, TRANSFER AND DISPOSAL OF
STATE-OWNED PERSONAL PROPERTY

SUBPART A: GENERAL

Section
5010.100
5010.110
EMERGENCY
5010.120

Authority
Policy

Applicability

SUBPART B: MARKING AND INVENTORY OF STATE PROPERTY

Section
5010.200
5010.210
5010.220
5010.230
5010.240
5010.250
5010.260

Definition of Equipment
Marking of State-Owned Equipment
Inventory of Equipment
Required Entries on Inventory Records
Definition of Required Entries
Demolition
Cannibalization

SUBPART C: PROPERTY REPORTING SYSTEM

Section
5010.300
5010.310
5010.320

Property Change Report (Repealed)
Transaction Codes
Vehicle Reporting

SUBPART D: INVENTORY REQUIREMENTS

Section
5010.400
5010.410
5010.420
5010.430
5010.435
5010.440
5010.450
5010.460

Equipment Inventory Reporting
Types of Inventory
Report of Equipment Acquired Through Central Management
Services (Repealed)
Report of Equipment not Acquired through Central Management
Services Real Property Acquisitions (Repealed)
Report of Equipment Purchased on the Installment Plan
Fund Codes used on Agency Report of Acquired New Properties and
Additions Form
Monthly Inventory (Repealed)
Annual Inventory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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5010.470 Reporting "On Location" Equipment for Annual Inventory Report
 5010.480 Reporting U.S. Property on Annual Inventory
 5010.485 Inventories of Facilities Scheduled for Closure
 5010.490 Discrepancies
 5010.500 Evidence of Theft Found During Annual Inventory
 5010.510 Property Control Information Processed on Magnetic Tape
 5010.520 Access to Automated Property Control Systems

SUBPART E: TRANSFERABLE EQUIPMENT

Section
 5010.600 Definition of Transferable Equipment
 5010.610 Disposal of Transferable Equipment
 EMERGENCY
 5010.620 Report of Transferable Equipment
 5010.630 Moving and Storage of Transferable Equipment
 5010.640 Agency Requests for Transferable Equipment
 5010.650 Holding Time for Transferable Equipment
 5010.660 Sale of Transferable Equipment
 EMERGENCY
 5010.670 Sale of Transferable Equipment to Municipalities or Units of
 EMERGENCY Local Government, Illinois School Districts, and
 Not-for-Profit Educational, Charitable and Public Health
 Organizations

5010.680 Trade-Ins
 5010.690 Trade-In Procedure
 5010.700 Exceptions to Trade-In Procedure
 5010.710 Determination of Appraised Value
 EMERGENCY
 5010.720 Notice of Sales of Transferable Equipment
 EMERGENCY
 5010.730 Terms of Sales to Municipalities and Units of Local Government
 EMERGENCY in Illinois, Illinois School Districts, and Not-for-Profit
 Educational, Charitable and Public Health Organizations
 Public Sale of Transferable Equipment

5010.740 Method of Sale
 EMERGENCY
 5010.750 Frequency of Sales
 5010.760 Notice of Public Sales
 5010.770 Terms of Public Sale
 5010.780 Alternative Methods of Sale
 5010.790 Proceeds of Sales of Transferable Equipment
 5010.800

SUBPART F: SCRAP SALES AND PROCEDURES

Section
 5010.900 Scrapping of State-Owned Equipment
 5010.910 Criteria for Scrapping
 5010.920 Permission to Scrap

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

5010.930 Scrapping Under Special Circumstances
 5010.940 Method of Disposal
 5010.950 Sale of Scrap
 5010.960 Authorization to Sell Scrap
 5010.970 Notice of Sale
 5010.980 Terms of Sales
 5010.990 Payment for Scrap by Bidder
 5010.1000 Assistance in Sales
 5010.1010 Proceeds of Sale of Scrap

SUBPART G: DISPOSITION OF VEHICLES

Section
 5010.1100 Disposal of State-Owned Vehicles
 5010.1110 Vehicles to be Turned Over to the Property Control Division
 5010.1120 Turning in Operable Vehicles
 5010.1130 Transfer of Operable Vehicles to State Agencies
 5010.1140 Sale of Vehicles
 EMERGENCY
 5010.1150 Inoperable Vehicles
 5010.1160 Request for Disposal of Inoperable Vehicles
 5010.1170 Funds Derived from Vehicle Sales

SUBPART H: DISPOSITION OF ELECTRONIC DATA PROCESSING EQUIPMENT

Section
 5010.1200 Disposal of Electronic Data Processing Equipment
 5010.1210 Agencies Authorized to Dispose of Surplus EDP Equipment Sale
 5010.1220 Transfer of Surplus EDP Equipment
 5010.1230 Sale of EDP Equipment
 5010.1240 Terms of Contract
 5010.1250 Payment
 5010.1260 Proceeds from Sale of Surplus EDP Equipment

SUBPART I: ANTIQUE, HISTORICAL AND SPECIAL INTEREST PROPERTY

Section
 5010.1300 Property Value

SUBPART J: EXEMPTIONS

Section
 5010.1400 Request for Exemption

SUBPART K: DISPOSITION OF LABORATORY EQUIPMENT

Section
 5010.1500 Listing of Laboratory Equipment
 5010.1510 Proceeds from Sales of Laboratory Equipment

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART L: DISPOSITION OF HAZARDOUS MATERIAL

Section 5010.1600 Disposal of Hazardous Material

AUTHORITY: Implementing and authorized by Sections 67.15 and 67.22 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63b13.15 and 63b13.22) and Sections 1 through 7, 8, and 9 of The State Property Control Act (Ill. Rev. Stat. 1987, ch. 127, pars. 133b1-133b10, 133b11 and 133b12).

SOURCE: Adopted at 7 Ill. Reg. 9170, effective June 22, 1983; codified at 8 Ill. Reg. 17254; emergency amendment at 11 Ill. Reg. 2909, effective January 29, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10671, effective June 14, 1988; emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days.

SUBPART A: GENERAL

Section 5010.110 Policy
EMERGENCY

- a) The Department of Central Management Services (CMS or Department) shall regulate the accountability and control of all State-owned property.
- b) The Department shall regulate the disposal of all State-owned tangible personal property.
- c) When economically practical, the Department shall supply transferable equipment to State agencies at no cost in lieu of the purchase of new items.
- d) Where items cannot be transferred, the Department shall sell the property, offering it first to municipalities and units of local government, Illinois school districts, and not-for-profit educational, charitable and public health organizations and then to the general public.
- e) The Department shall regulate the disposal and sale of scrapped State property.
- f) These functions shall be carried out by the Department of Central Management Services' Property Control Division.
- g) The Director of the Department of Central Management Services shall have the power to grant exception(s) to these rules.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: TRANSFERABLE EQUIPMENT

Section 5010.610 Disposal of Transferable Equipment
EMERGENCY

- a) The disposal of State-owned transferable equipment is the responsibility of the Property Control Division of CMS. State agencies may not dispose of transferable equipment without the knowledge and approval of the Property Control Division. Approval shall be conditioned upon compliance with relevant sections of these rules.
- b) Transferable equipment which is still serviceable shall be disposed of:
 - 1) By trading in the equipment on replacements of a like nature;
 - 2) by offering the equipment for the use of any State agency;
 - 3) by sale to municipalities and other units of local government, Illinois school districts, and not-for-profit educational, charitable and public health organizations;
 - 4) by sale to the general public.

- c) Transferable equipment which is no longer serviceable shall be scrapped. Scrap having a market value shall be sold.

- d) The disposal of surplus State-owned motor vehicles and electronic data processing equipment is subject to special regulations found in these rules.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

Section 5010.660 Sale of Transferable Equipment
EMERGENCY

- a) In the event that an item of transferable equipment is not wanted by any State agency, it shall be disposed of by sale.
- b) All transferable equipment that is to be sold shall be offered to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations and then to the general public.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 5010.670 Sale of Transferable Equipment to Municipalities or Units of Local Government, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations

- a) All transferable equipment that is offered for sale shall be offered first to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations before other buyers.
- b) Equipment shall be sold to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations at its appraised value.
- c) Sales shall be made on a "first come first served" basis. "Tie" requests will be awarded based on the intended use of the property and the ability of the unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations to obtain the property elsewhere.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

Section 5010.710 Determination of Appraised Value
EMERGENCY

- a) If the original purchase price of the equipment (excluding motor vehicles) was \$10,000 or more, the appraised value for purposes of a sale to local governments in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be determined by a qualified appraiser. For equipment commonly available in the market place, one who deals with equipment of that kind shall be deemed to be a qualified appraiser. For other types of equipment, the appraiser's qualification shall be evaluated in conformation with prevailing industry standards or practices.

- b) If the equipment had an original purchase price of less than \$10,000, the appraised price for a sale to local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be set at a minimum of:

- 1) 25% of the initial purchase price if the equipment is in good condition and less than five years old;
- 2) 15% of the initial purchase price if the equipment is five or more years old; or
- 3) a realistic market price if the equipment is in extremely poor condition, has little value, or the original acquisition cost is

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

unobtainable.

- c) For motor vehicles, the appraised value for a sale to a local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be set at a minimum of:

- 1) 25% of the initial purchase price if the vehicle is in good condition and less than five years old;
- 2) 15% of the initial purchase price if the vehicle is five or more years old or not in good condition.
- 3) Appraisal of condition will be made using standard industry practice.
- d) Scrap metal shall be priced at its cash market price at the time of sale.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

Section 5010.720 Notice of Sales of Transferable Equipment
EMERGENCY

- a) Notice of sales of transferable equipment shall be given to local Illinois government, Illinois school districts, and not-for-profit educational, charitable and public health organizations by means calculated to alert the largest number of prospective buyers.
- b) Notices of sales shall list items for sale, condition, price, terms of sale and date and place of sale.
- c) In the absence of a security or safety risk making inspection impracticable, equipment offered for sale shall be made available for inspection following circulation of the notice of sale.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

Section 5010.730 Terms of Sales to Municipalities and Units of Local Government in Illinois, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations

- a) Equipment must be paid for at the time of sale by check drawn on the account of the purchasing municipality or unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations.

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- b) All equipment is sold "as-is", "where-is". The State specifically withholds all implied or express warranties.
- c) Equipment purchased by units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations may not be subsequently disposed of except:
- 1) To sell or transfer the equipment to another unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations;
 - 2) as a trade-in on like equipment, subject to the same procedures on trade-in that State agencies must comply with; or
 - 3) with the written permission of the Director of CMS. Permission will be granted if the equipment becomes unusable, unsafe, or obsolete.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

Section 5010.740 Public Sale of Transferable Equipment EMERGENCY

In the event that an item of transferable equipment cannot be disposed of by transfer to a State agency or by sale to a unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations, the equipment shall be offered for sale to the general public.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

SUBPART G: DISPOSITION OF VEHICLES

Section 5010.1140 Sale of Vehicles EMERGENCY

- a) All surplus vehicles not transferred to State agencies shall be offered to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations for sale.
- b) Any such sale to a unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations is subject to the same terms and restrictions as the sale of any other transferable equipment.

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- c) Any remaining vehicles shall be sold at auction to the general public at times determined by the Property Control Division.
- d) Any such sale to the general public shall be subject to the same conditions as the sale of any other transferable equipment.
- e) All surplus vehicles shall retain a 6-digit equipment number when being transferred from agency to agency or prior to being sold at public auction.

(Source: Emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

Family Practice Residency Code

2) Code Citation: 77 Ill. Adm. Code 5903) Section Numbers:

590.300
590.310
590.320
590.330
590.400
590.410
590.420
Appendix D

Emergency Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority:

Family Practice Residency Act
Ill. Rev. Stat. 1987, ch. 144, par. 1451 et seq., as amended by P.A.
86-436, effective January 1, 1990; P.A. 86-965, effective December 13,
1989; P.A. 86-926, effective September 17, 1989.

5) Effective Date of Rule(s) Amendments:

May 21, 1990

6) If the Emergency Rules Amendment is to Expire Before the End of the

150-day Period, Please Specify the Date on Which it is to Expire:

These rules will expire upon the adoption of the proposed rulemaking.

7) Date Filed in Agency's Principal Office:

May 21, 1990

8) Reason for Emergency:

To enhance and enable medically underserved areas of Illinois to obtain and retain physician services, the Department of Public Health has established regulations for the statutorily prescribed physician loan repayment program. Many areas of the state are medically underserved because of the lack of physician services. The Department is promulgating these emergency rules to implement legislation authorizing a physician loan repayment program to allow access to this valuable program. This program will assist medically underserved areas in Illinois in attracting recent graduates and experienced physicians. For these reasons, the Department finds that an emergency situation which

DEPARTMENT OF PUBLIC HEALTH
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constitutes a threat to the public interest, safety and welfare exists necessitating adoption of emergency.

9) A Complete Description of the Subjects and Issues Involved:

This emergency rulemaking includes regulations for the statutory physician loan repayment program.

Subpart D includes provisions for the repayment of educational loans for primary care physicians who agree to practice in designated shortage areas of the State.

Subpart E describes criteria used to designate areas of the State needing additional primary care physicians. The appendix is a sample contracts used in the loan repayment activities described in this Part.

The economic effect of this rulemaking is unknown. Therefore, the Department would appreciate comments on the possible economic effect.

10) Are there any proposed amendments to this Part Pending? Yes ☒ No ☐Section NumbersProposed ActionIll. Reg. Citation11) Statement of Statewide Policy Objectives:

This rulemaking should not expand, contract, create a state mandate.

12) Information and Questions Regarding this Amendments shall be directed to:

Robert John Kane, Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 9: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 590
FAMILY PRACTICE RESIDENCY CODE AG†

SUBPART A: GRANT AWARDS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section
590.10
590.20
590.30
590.40
590.50General Statement (Summary)
Definitions
Advisory Committee
Family Practice Residency Program
Award Grants

SUBPART B: AWARING SCHOLARSHIPS TO ILLINOIS MEDICAL STUDENTS

Section
590.100
590.110
590.120
590.130
590.140Applicability of Rules
Eligibility
Award of Scholarships
Terms of Performance
Application

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section
590.300
EMERGENCY
590.310
EMERGENCY
590.320
EMERGENCY
590.330
EMERGENCYLimitations on Use of Loan Repayment Funds
Eligibility for Application
Selection Criteria for Distribution of Loan Repayment Funds
Terms of Performance

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section
590.400
EMERGENCY
590.410
EMERGENCY
590.420
EMERGENCYData Elements Used in Designation Process
Criteria for Designating Shortage Areas
Distribution of Lists of Designated Shortage AreasDEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTSAppendix D Sample Contract for Educational Loan Repayment
EMERGENCY

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by Family Practice Residency Act (Ill. Rev. Stat. 1987, ch. 144, par. 1451 et seq., as amended by P.A. 86-436, effective January 1, 1990. P.A. 86-965, effective December 13, 1989; P.A. 86-926, effective September 17, 1989.).

SOURCE: Filed June 8, 1978; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509; emergency amendment at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days.

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section 590.300 Limitations on Use of Loan Repayment Funds
EMERGENCY

a) Funds are to be used FOR THE REPAYMENT OF THE EDUCATIONAL LOANS OF PRIMARY CARE PHYSICIANS WHO AGREE TO SERVE IN DESIGNATED SHORTAGE AREAS FOR A SPECIFIED PERIOD OF TIME, NO LESS THAN 2 YEARS.

b) PAYMENTS MAY BE USED FOR THE PRINCIPLE, INTEREST AND RELATED EXPENSES OF GOVERNMENT AND COMMERCIAL LOANS RECEIVED BY THE INDIVIDUAL AND USED FOR TUITION EXPENSES, AND ALL OTHER REASONABLE EDUCATIONAL EXPENSES INCURRED BY THE INDIVIDUAL.

c) THE MAXIMUM ANNUAL PAYMENT WHICH MAY BE MADE TO AN INDIVIDUAL UNDER THIS LAW IS \$20,000 OR 25 PERCENT OF THE TOTAL COVERED EDUCATIONAL INDEBTEDNESS, WHICHEVER IS LESS.

d) PAYMENTS MADE SHALL BE EXEMPT FROM ILLINOIS STATE INCOME TAX. (Payments are not exempt from federal income tax.)

e) Funds may not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or governments, or those in other states (Section 4.10 of the Act).

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

Section 590.310 Eligibility for Application
EMERGENCY

a) Any Illinois licensed physician who intends to, or is practicing in a primary care specialty in a designated shortage area of Illinois may

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

apply for educational loan repayment.

- b) Applicants must document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's medical degree. Such documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to date of application.
- c) Applicants must be practicing, or be willing to practice, full-time in a designated shortage area(s) in Illinois.
- d) Applicants not yet in practice, or not yet in practice in a designated shortage area(s) of Illinois, must document intent to do so by written confirmation from a community-based organization or agency, or from other physicians located within the designated shortage area.
- e) Physicians having practice obligations to the National Health Service Corps or the Illinois Medical Student Scholarship Program may apply for educational loan repayment after completion of the practice obligation.

(Source: Emergency Added at 14 Ill. Reg. 8725 _____, effective May 21, 1990 for a maximum of 150 days)

Section 590.320 Selection Criteria for Distribution of Loan Repayment Funds
EMERGENCY

- a) When numbers of applications are sufficient to support a geographical separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.
- b) Of the urban grouping, an equal number of applicants will be selected from Chicago and from the remaining urban areas in the State; when possible.
- c) Preference will be given to applications from physicians who have been recruited by, or are actively involved with a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health care in its area.
- d) When all other selection criteria are essentially equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.

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- e) Applications from physicians received by the Department will be reviewed on a quarterly basis and the following priority classifications of the location and other characteristics of the practice will be applied:

- 1) Rural Selection Priority Classifications, From Highest to Lowest
 - A) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in area, and endorsed by community-based group or organization.
 - B) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in area, with no endorsement by community-based group or organization.
 - C) Population-to-primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, new physician establishing practice in area, and endorsed by community-based group or organization.
 - D) Population-to-primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, new physician establishing practice in area, with no endorsement by community-based group or organization.
 - E) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility.
 - F) Population-to-primary care physician ratio of at least 2400:1, physician with practice in the area for 24 months or less.
 - G) Population-to-primary care physician ratio between 1800 and 2399:1 and where at least one-third of the primary care physicians are aged 60 or more, physician with practice in the area for 24 months or less.
- 2) Urban Selection Priority Classifications, From Highest to Lowest
 - A) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in area, and endorsed by community-based group or organization.
 - B) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in area, and no

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

formal endorsement from community-based group or organization.

- C) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility.
- D) Population-to-primary care physician ratio of at least 3000:1, physician with practice in the area for 24 months or less.
- F) Applications will be accepted between July 1 and September 30 and considered for funding according to the criteria described in this Section. If all funds are not expended, subsequent application cycles will extend from October 1 to December 31, January 1 to March 31, and April 1 to June 30.

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

Section 590.330 Terms of Performance EMERGENCY

- a) Each physician selected for educational loan repayment shall sign a written contract (See Appendix D) with the Department. The contract may contain additional terms and conditions which ensure compliance with the laws of the State of Illinois, and enforcement of the contract.
- b) Physicians selected for loan repayment must practice as a primary care physician in a designated shortage area on a full-time basis (See Subpart A, Section 590.20 for definition of full-time, by primary care specialty).
- c) If loan repayment recipients move their practice from the location described in the recipient's original application without written approval from the Department, all educational loan repayments will cease immediately and will result in termination of the loan repayment contract. The recipient will be eligible to reapply for the loan repayment program and be considered among all other applicants.
- d) Loan repayment recipients must make loan payments, then present documentation of payment (i.e., cancelled checks) to the Department. Direct payments to recipients will be made on a quarterly basis.
- e) Misrepresentation of the facts presented in the application will be considered a breach of contract. Any funds provided by the Department for the repayment of educational loans shall be due immediately in full.

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(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section 590.400 Data Elements Used in Designation Process EMERGENCY

- a) Population counts and demographic information describing a national service area are those available in the most recently published decennial population census prepared by the U.S. Department of Commerce, Bureau of the Census.
- b) Information regarding physicians practicing in an area is collected by Department staff. Such information includes specialty, practice location(s), amount of time in practice per week, and approximate or exact age of physician.
- c) Full-time-equivalencies for primary care physicians are calculated comparing a physician's office hours per week to that reported nationally by the American Medical Association (See Subpart A, Section 590.20).
- d) Number of obstetricians providing patient care in a particular year in Illinois will be obtained from the American Medical Association's Center for Health Policy Research.
- e) Number of births in a particular year in Illinois will be obtained from the Department.

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

Section 590.410 Criteria for Designating Shortage Areas EMERGENCY

- a) Shortage areas may include the following:
- 1) AN URBAN OR RURAL AREA WHICH IS A RATIONAL AREA FOR THE DELIVERY OF HEALTH SERVICES;
 - 2) A POPULATION GROUP;
 - 3) A PUBLIC OR NONPROFIT PRIVATE MEDICAL FACILITY.
- (Section 3.04 of the Act)

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b) Areas and population groups designated by the U.S. Department of Health and Human Services as having shortages of primary care physicians shall qualify for purposes described in this Part.

c) Additional areas will be designated using the following criteria:

- 1) Urban service areas with a population-to-primary care physician ratio of at least 3000:1;
- 2) Rural service areas with a population-to-primary care physician ratio of at least 2400:1;
- 3) Rural service areas with a population-to-primary care physician ratio between 1800:1 and 2399:1, and where one-third of the primary care physicians are 60 years of age or older;
- 4) Urban or rural areas where board certified pediatricians or obstetrician/gynecologists are not practicing within the service area, and where there is sufficient need to support a full-time practice.
- 5) Rural service areas where the obstetricians having admitting privileges at a hospital with an obstetrical unit perform more deliveries per year than the statewide average obtained by dividing the number of obstetricians providing patient care in Illinois by the number of births in Illinois in a year; and where the existing obstetricians express, in writing, their need for additional obstetricians.

d) Facilities whose mission is to provide care to underserved populations will be designated for purposes of this Part. Such facilities include:

- 1) Local health departments which establish primary care clinics, offering direct patient care on either a full or part-time basis;
- 2) Any community health center or its satellite in Illinois which is funded through Section 330 of the Public Health Service Act;
- 3) Health clinics which can document that at least 75 percent of their patients are a combination of the following:
 - A) Medicaid eligible, or

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B) Qualify for reduced fees based on a sliding fee scale using as an upper limit 200 percent of the Federal poverty level, as published annually in the Federal Register.

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

Section 590.420 Distribution of Lists of Designated Shortage Areas

EMERGENCY

- a) At least annually, updated listings of designated shortage areas will be provided to all recipients of Medical Student Scholarships made under this Part.
- b) Listings of designated shortage areas will be made available to interested individuals and organizations who request listings from the Department.
- c) Notification of designation as a shortage area will be provided to local health departments, hospitals, primary care physicians and community-based organizations.

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

Appendix D Sample Contract for Educational Loan Repayment
EMERGENCY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY ACT
EDUCATIONAL LOAN REPAYMENT

C O N T R A C T

The Illinois Department of Public Health (Department) and (Contractor) agree as follows:

- 1) Contractor will provide patient care in the community or area indicated on the educational loan repayment application on a full-time basis, as defined in the Family Practice Residency Code, (77 Ill. Adm. Code 590) for a minimum period of two years.
- 2) Contractor will use funds to repay loans used only for educational purposes in pursuit of medical degree.
- 3) Contractor will provide the Department with photocopies of promissory notes or other evidence to document amount of indebtedness and the institutions owed.
- 4) Contractor will provide the Department with photocopies of cancelled checks to document payments Contractor has made for his/her educational loan indebtedness and for which reimbursement is sought from the Department.
- 5) If Contractor moves to a practice location in a lower priority classification, or moves from an urban to a rural location, or vice versa, all educational loan repayments will cease immediately.
- 6) Department will make educational loan repayments directly to the Contractor, or to the financial or educational institution holding the indebtedness. Retrospective payments will be made to the Contractor on a quarterly basis. Prospective payments on the Contractor's behalf will be made on a quarterly basis directly to the financial or educational institution holding the indebtedness, if so agreed by the lender.
- 7) Department will pay twenty-five percent of the educational loan indebtedness, or up to \$20,000 whichever is less, for each year Contractor practices in the selected underserved area or facility.
- 8) If Contractor ceases full-time practice in an underserved area or facility or moves from the originally selected underserved area or facility before

completing the required two years of practice, all sums paid to Contractor or paid on Contractor's behalf will be due to Department within 30 days of the practice change.

- 9) If Contractor moves from the approved practice area and the Department has made prospective payments to the financial or educational institution, Contractor must repay funds in direct proportion to the length of practice in the approved area.
- 10) Contractor shall pay all costs of suit, including attorney's fees and all collection costs, in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.
- 11) Contractor shall inform Department in writing within fourteen days of any changes in the following areas:
 - a) status of employment or practice
 - b) address
 - c) illness, disability, or family considerations affecting obligations of this Contract
- 12) This Contract shall be governed in all respects by the laws of the State of Illinois.
- 13) This Contract may not be amended without prior written approval of both Department and Contractor.
- 14) This Contract may not be sold, signed or transferred in any manner.
- 15) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.
- 16) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.
- 17) Contractor certifies he/she has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Contractor made an admission of guilt of such conduct which is a matter of record.
- 18) Contractor certifies he/she is not in default on any educational loans as provided in An Act in relation to educational loans (Ill. Rev. Stat. 1987, Ch. 127, par. 3551-3553).

DEPARTMENT OF PUBLIC HEALTH

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- 19) Contractor agrees to allow Department to request from the lending institution confirmation of the status of Contractor's educational loans.
- 20) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.
- 21) The Contractor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, par. 1-101 et seq.) and agrees to act in conformity with 44 Ill. Adm. Code 750. APP. A.
- 22) The Contractor agrees to comply with the Federal Civil Rights Act of 1964, the Federal Rehabilitation Act of 1973, and all other federal and State of Illinois laws, regulations or orders which prohibit discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, or physical or mental handicap.
- 23) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.
- 24) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.
- 25) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.

The term of this Contract is _____ through _____.

Executed this _____ day of _____, 19 _____.

Contractor

Bernard J. Turnock, M.D.
Director of Public Health

Social Security Number

(Source: Emergency Added at 14 Ill. Reg. 8725, effective May 21, 1990 for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section Number: 1020.70 Action: Modification
- 4) Date Notice of Proposed Rules Published in the Register:
December 8, 1989 - 13 Ill. Reg. 19241
- 5) Date JCAR Statement of Objection Published in the Register:
March 23, 1990 - 14 Ill. Reg. 4761
- 6) Summary of Action Taken by the Agency: The Secretary of State has considered the Objection by JCAR and has made the following changes in response to the Joint Committee's objection.
1. Added "at the rebuilder's established place of business" after "vehicles" and before "unless" in the third line of Section 1020.70.
 2. Added the following sentence at the end of the Section: "Nothing herein shall prohibit a rebuilder from selling four or less used vehicles at any location other than the established place of business."

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY RULES

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part: Fire Equipment Distributor and Employee Licenses
- 2) Code Citation: 41 Ill. Adm. Code 251
- 3) Effective Date of Rules: May 14, 1990
- 4) Date Rules Appeared in the Illinois Register: 14 Ill. Reg. 8194, July 25, 1990
- 5) Pursuant to Section 7(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1007 (b)), the Administrative Code Division has made the following changes in the codification of the above named rule:
 41 Ill. Adm. Code 251 adopted by emergency action at 14 Ill. Reg. 8194 and 41 Ill. Adm. Code 250 proposed at 14 Ill. Reg. 5322 were inadvertently given the identical Part heading. The heading for 41 Ill. Adm. Code 251 was in error. It should have been: Fire Equipment Distributor and Employee Licenses.

The above changes have been made to the rule which is on file in the Administrative Code Division of the Illinois State Library, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part:
 Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs
- 2) Code Citation:
 77 Ill. Adm. Code 2058
- 3) Register Citation to Notice of Proposed Rules:
 Date: May 4, 1990, 14 Ill. Reg. 6457
- 4) Date, Time and Location of Public Hearing:
 June 14, 1990 June 15, 1990
 9:30 a.m. 9:30 a.m.
 Sheraton Inn Executive House Hotel
 3090 Stevenson Drive 71 E. Wacker Drive
 Springfield, IL Chicago, IL
- 5) Other Pertinent Information: N/A

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CAPITOL BUILDING
ROOM 122-B
SPRINGFIELD, ILLINOIS
10:00 A.M.
JUNE 5, 1990

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

I. Approval of May 8, 1990 Minutes

II. Review of Proposed Agency Rulemaking

Department on Aging

1. Community Care Program; 89 Ill. Adm. Code 240
-First Notice Published: 14 Ill. Reg. 1077 - 1-19-90
-Expiration of Second Notice Period: 6-11-90

Department of Agriculture

2. Standardization of Agriculture Products; 8 Ill. Adm. Code 5
-First Notice Published: 14 Ill. Reg. 3711 - 3-16-90
-Expiration of Second Notice Period: 6-25-90

Commissioner of Banks and Trust Companies

3. Corporate Fiduciary Subsidiaries; 38 Ill. Adm. Code 396
-First Notice Published: 14 Ill. Reg. 2985 - 3-2-90
-Expiration of Second Notice Period: 6-28-90

4. Reimbursement to Banks for Financial Records; 38 Ill. Adm. Code 356
-First Notice Published: 14 Ill. Reg. 3303 - 3-9-90
-Expiration of Second Notice Period: 6-28-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Children and Family Services

5. Services Delivered by the Department; 89 Ill. Adm. Code 302
-First Notice Published: 14 Ill. Reg. 1 - 1-5-90
-Expiration of Second Notice Period: 6-8-90
6. Services Delivered by the Department; 89 Ill. Adm. Code 302
-First Notice Published: 14 Ill. Reg. 2205 - 2-9-90
-Expiration of Second Notice Period: 6-25-90

Department of Commerce and Community Affairs

7. State Administration of the Federal Low-Income Energy Assistance Block Grant Program; 47 Ill. Adm. Code 100
-First Notice Published: 13 Ill. Reg. 17589 - 11-17-89
-Expiration of Second Notice Period: 7-5-90

Illinois Commerce Commission

8. Relocation Towing; 92 Ill. Adm. Code 1710
-First Notice Published: 14 Ill. Reg. 2721 - 2-23-90
-Expiration of Second Notice Period: 6-8-90
9. Repeal of Energy Assistance; 83 Ill. Adm. Code 281
-First Notice Published: 14 Ill. Reg. 4312 - 3-23-90
-Expiration of Second Notice Period: 7-2-90

Illinois Community College Board

10. Administration of the Public Community College Act; 23 Ill. Adm. Code 1501
-First Notice Published: 14 Ill. Reg. 14 - 1-5-90
-Expiration of Second Notice Period: 6-21-90

Department of Conservation

11. Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life; 17 Ill. Adm. Code 870
-First Notice Published: 14 Ill. Reg. 3717 - 3-16-90
-Expiration of Second Notice Period: 6-25-90
12. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting; 17 Ill. Adm. Code 530
-First Notice Published: 14 Ill. Reg. 3720 - 3-16-90
-Expiration of Second Notice Period: 6-25-90

AGENDA

13. Dove Hunting; 17 Ill. Adm. Code 730
-First Notice Published: 14 Ill. Reg. 3743 - 3-16-90
-Expiration of Second Notice Period: 6-25-90
14. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550
-First Notice Published: 14 Ill. Reg. 3776 - 3-16-90
-Expiration of Second Notice Period: 6-25-90
15. Scientific Permits; 17 Ill. Adm. Code 520
-First Notice Published: 14 Ill. Reg. 3789 - 3-16-90
-Expiration of Second Notice Period: 6-25-90
16. Squirrel Hunting; 17 Ill. Adm. Code 690
-First Notice Published: 14 Ill. Reg. 3794 - 3-16-90
-Expiration of Second Notice Period: 6-25-90
17. Woodcock, Snipe, Rail and Teal Hunting; 17 Ill. Adm. Code 740
-First Notice Published: 14 Ill. Reg. 3802 - 3-16-90
-Expiration of Second Notice Period: 6-25-90

State Board of Education

18. Comprehensive Health Education; 23 Ill. Adm. Code 253
-First Notice Published: 14 Ill. Reg. 1645 - 2-2-90
-Expiration of Second Notice Period: 6-25-90
19. Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1
-First Notice Published: 14 Ill. Reg. 1650 - 2-2-90
-Expiration of Second Notice Period: 6-25-90

Department of Insurance

20. Long-Term Care Insurance; 50 Ill. Adm. Code 2012
-First Notice Published: 13 Ill. Reg. 9181 - 6-16-89
-Expiration of Second Notice Period: 7-2-90

Department of Labor

21. Nurse Agency Licensing Act; 68 Ill. Adm. Code 690
-First Notice Published: 14 Ill. Reg. 1107 - 1-19-90
-Expiration of Second Notice Period: 6-18-90
22. Prevailing Wage Hearing Procedures; 56 Ill. Adm. Code 100
-First Notice Published: 14 Ill. Reg. 536 - 1-12-90
-Expiration of Second Notice Period: 7-2-90

AGENDA

Legislative Information System

23. Access to Legislative Information System Information; 3 Ill. Adm. Code 600
-First Notice Published: 14 Ill. Reg. 3349 - 3-9-90
-Expiration of Second Notice Period: 6-8-90

Department of Mental Health and Developmental Disabilities

24. Standards and Licensure Requirements for Community-Integrated Living Arrangements; 59 Ill. Adm. Code 115
-First Notice Published: 13 Ill. Reg. 15183 - 9-29-89
-Expiration of Second Notice Period: 6-7-90

Pollution Control Board

25. Effluent Standards; 35 Ill. Adm. Code 304
-First Notice Published: 13 Ill. Reg. 20230 - 12-29-89
-Expiration of Second Notice Period: 6-25-90
26. Water Quality Standards; 35 Ill. Adm. Code 302
-First Notice Published: 13 Ill. Reg. 20273 - 12-28-89
-Expiration of Second Notice Period: 6-25-90

Department of Public Aid

27. Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115
-First Notice Published: 14 Ill. Reg. 2469 - 2-16-90
-Expiration of Second Notice Period: 6-11-90
28. Special Eligibility Groups; 89 Ill. Adm. Code 118
-First Notice Published: 14 Ill. Reg. 2473 - 2-16-90
-Expiration of Second Notice Period: 6-11-90
29. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
-First Notice Published: 14 Ill. Reg. 4054 - 3-16-90
-Expiration of Second Notice Period: 6-15-90
30. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Notice Published: 14 Ill. Reg. 4081 - 3-16-90
-Expiration of Second Notice Period: 6-15-90
31. General Assistance; 89 Ill. Adm. Code 114
-First Notice Published: 14 Ill. Reg. 4070 - 3-16-90
-Expiration of Second Notice Period: 6-15-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Department of Public Health

32. Asbestos Abatement for Public and Private Schools in Illinois; 77 Ill. Adm. Code 855
 -First Notice Published: 14 Ill. Reg. 172 - 1-5-90
 -Expiration of Second Notice Period: 6-11-90

33. Program Content and Guidelines for Maternal and Child Health Services; 77 Ill. Adm. Code 630
 -First Notice Published: 13 Ill. Reg. 10060 - 6-30-89
 -Expiration of Second Notice Period: 6-18-90

34. Structural Pest Control Code; 77 Ill. Adm. Code 830
 -First Notice Published: 14 Ill. Reg. 571 - 1-12-90
 -Expiration of Second Notice Period: 6-25-90

35. Migrant Labor Camps; 77 Ill. Adm. Code 935
 -First Notice Published: 14 Ill. Reg. 2498 - 2-16-90
 -Expiration of Second Notice Period: 7-2-90

Illinois Racing Board

36. Trifecta Rules; 11 Ill. Adm. Code 409
 -First Notice Published: 14 Ill. Reg. 1601 - 1-26-90
 -Expiration of Second Notice Period: 6-18-90

37. Trifecta Rules; 11 Ill. Adm. Code 409
 -First Notice Published: 14 Ill. Reg. 1849 - 2-2-90
 -Expiration of Second Notice Period: 6-21-90

38. Programs; 11 Ill. Adm. Code 415
 -First Notice Published: 14 Ill. Reg. 1597 - 1-26-90
 -Expiration of Second Notice Period: 6-25-90

39. Pari-Mutuels; 11 Ill. Adm. Code 405
 -First Notice Published: 14 Ill. Reg. 01224 - 1-19-90
 -Expiration of Second Notice Period: 6-28-90

Department of Rehabilitation Services

40. Telecommunication Devices for the Hearing Impaired; 89 Ill. Adm. Code 890
 -First Notice Published: 14 Ill. Reg. 2844 - 2-23-90
 -Expiration of Second Notice Period: 6-7-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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41. Identification, Evaluation, and Placement of Exceptional Children; 89 Ill. Adm. Code 795
 -First Notice Published: 14 Ill. Reg. 3407 - 3-9-90
 -Expiration of Second Notice Period: 6-18-90

Department of Revenue

42. Telecommunications Excise Tax; 86 Ill. Adm. Code 495
 -First Notice Published: 13 Ill. Reg. 16723 - 10-27-89
 -Expiration of Second Notice Period: 7-5-90

Secretary of State

43. Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010
 -First Notice Published: 14 Ill. Reg. 3022 - 3-2-90
 -Expiration of Second Notice Period: 7-2-90

State Employees' Retirement System

44. The Administration and Operation of the State Employees' Retirement System of Illinois; 80 Ill. Adm. Code 1540
 -First Notice Published: 14 Ill. Reg. 4880 - 3-30-90
 -Expiration of Second Notice Period: 7-2-90

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Commerce and Community Affairs

45. Local Tourism and Convention Bureau Program; 14 Ill. Adm. Code 550 (Emergency)
 -Notice Published: 14 Ill. Reg. 5565 - 4-13-90

Department of Conservation

46. Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810 (Emergency)
 -Notice Published: 14 Ill. Reg. 6865 - 5-4-90

State Board of Education

47. Pupil Transportation; 23 Ill. Adm. Code 275 (Emergency)
 -Notice Published: 14 Ill. Reg. 6411 - 4-27-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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State Board of Elections

48. Raffles Conducted by Political Committees; 26 Ill. Adm. Code 210 (Emergency)
-Notice Published: 14 Ill. Reg. 6907 - 5-4-90

Illinois Housing Development Authority

49. Repeal of Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350 (Emergency)
-Notice Published: 14 Ill. Reg. 5817 - 4-20-90
50. Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350 (Emergency)
-Notice Published: 14 Ill. Reg. 5827 - 4-20-90

Pollution Control Board

51. Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215 (Emergency)
-Notice Published: 14 Ill. Reg. 6421 - 4-27-90

Department of Public Aid

52. Medical Payment; 89 Ill. Adm. Code 140 (Emergency)
-Notice Published: 14 Ill. Reg. 5575 - 4-13-90
53. Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)
-Notice Published: 14 Ill. Reg. 5839 - 4-20-90
54. Medical Payment; 89 Ill. Adm. Code 140 (Emergency)
-Notice Published: 14 Ill. Reg. 5865 - 4-20-90
55. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147 (Emergency)
-Notice Published: 14 Ill. Reg. 6915 - 5-4-90

Department of Public Health

56. Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205 (Emergency)
-Notice Published: 14 Ill. Reg. 5596 - 4-13-90
57. Child Health Examination Code; 77 Ill. Adm. Code 665 (Emergency)
-Notice Published: 14 Ill. Reg. 5617 - 4-13-90
58. College Immunization Code; 77 Ill. Adm. Code 694 (Emergency)
-Notice Published: 14 Ill. Reg. 5882 - 4-20-90

59. Immunizations; 77 Ill. Adm. Code 695 (Emergency)
-Notice Published: 14 Ill. Reg. 5890 - 4-20-90

V. Incorporation by Reference

VI. Agency Responses to Joint Committee Statements of Objection

State Board of Education

60. Private Business and Vocational Schools; 23 Ill. Adm. Code 451
-First Published: 13 Ill. Reg. 9133 - 6-16-89
-Objection Date: March 7, 1990
-Response: Obj 1 - Modification
Obj 2 - Refusal
Rec - Disagree

Secretary of State

61. Dealers, Wreckers, Transporters and Rebuilders; 92 Ill. Adm. Code 1020
-First Published: 13 Ill. Reg. 19241 - 12-8-89
-Objection Date: 3-7-90
-Response: Modification

VII. Exempt Rulemakings

Pollution Control Board

62. RCRA and UIC Permit Programs; 35 Ill. Adm. Code 702
-Proposed Date: 1-5-90
-Adopted Date: 4-16-90

63. RCRA Permit Program; 35 Ill. Adm. Code 703
-Proposed Date: 1-5-90
-Adopted Date: 4-16-90

64. Hazardous Waste Management System: General; 35 Ill. Adm. Code 720
-Proposed Date: 1-5-90
-Adopted Date: 4-16-90

65. Land Disposal Restrictions; 35 Ill. Adm. Code 728
-Proposed Date: 1-5-90
-Adopted Date: 4-16-90

66. Underground Storage Tanks; 35 Ill. Adm. Code 731
-Proposed Date: 1-5-90
-Adopted Date: 4-10-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 14, 1990, through May 18, 1990, and have been scheduled for review by the Committee at its June 5, 1990, meeting. Other items not contained in this published list may also be considered by the Joint Committee at its June meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/28/90	Illinois Racing Board, Part-Mutuels (11 Ill. Adm. Code 405)	1/19/90 14 Ill. Reg. 1224	June 5, 1990
5/90	Commissioner of Banks and Trust Companies, Corporate Fiduciary Subsidiaries (38 Ill. Adm. Code 396)	3/2/90 14 Ill. Reg. 2985	June 5, 1990
6/28/90	Commissioner of Banks and Trust Companies, Reimbursement to Banks for Financial Records (38 Ill. Adm. Code 356)	3/9/90 14 Ill. Reg. 3303	June 5, 1990
7/2/90	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	3/2/90 14 Ill. Reg. 3022	June 5, 1990
7/2/90	Department of Insurance, Long-Term Care Insurance (50 Ill. Adm. Code 2012)	6/16/89 13 Ill. Reg. 9181	June 5, 1990
7/2/90	Department of Labor, Prevailing Wage Hearing Procedures (56 Ill. Adm. Code 100)	1/12/90 14 Ill. Reg. 536	June 5, 1990
7/2/90	Illinois Commerce Commission, Energy Assistance; Repeal of (83 Ill. Adm. Code 281)	3/23/90 14 Ill. Reg. 4312	June 5, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/2/90	State Employees' Retirement System of Illinois, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	3/30/90 14 Ill. Reg. 4880	June 5, 1990
7/2/90	Department of Public Health, Migrant Labor Camps (77 Ill. Adm. Code 935)	2/16/90 14 Ill. Reg. 2498	June 5, 1990

PROCLAMATION

90-217

NURSE RECRUITMENT DAY
(SECOND-REVISED)

Whereas, today's nurses are educated and trained professionals working in technical, sophisticated environments while providing compassionate and concerned care for patients and their families; and

Whereas, there is currently a severe nursing shortage in the United States and in Illinois, where 9.5 percent of budgeted nursing positions cannot be filled; and

Whereas, hospitals, clinics, home health agencies, hospices, the Armed Forces, and other health care providers face a future with diminished nursing care because of this shortage; and

Whereas, on May 11, nurses from hospitals throughout the state will visit the 754 high schools in Illinois to talk about nursing, demonstrate various areas of care, and provide information on a variety of subjects in hopes of generating more interest in the nursing field;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 11, 1990, as NURSE RECRUITMENT DAY in Illinois and urge youths to realize the value of nursing and take steps to prevent nursing shortages which can seriously hamper our state's health care services;

Issued by the Governor May 7, 1990.

Filed with the Secretary of State May 14, 1990.

90-255

BETTER PRESENTATIONS MONTH

Whereas, the globalization of our economy has placed additional emphasis on our nation's need to compete on an international basis; and

Whereas, the increased productivity of our nation's workforce is vital to this international competition; and

Whereas, the use and application of the merging of audiovisual, video, and computer-based technologies affords our nation the opportunity for increased productivity through better communications; and

Whereas, these technologies have allowed for increased productivity through more effective communications for industry, education, and government; and

Whereas, we must take every opportunity to encourage an understanding of technologies through the promotion of better presentations for a more productive society;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as BETTER PRESENTATIONS MONTH in Illinois.

Issued by the Governor May 14, 1990.

Filed with the Secretary of State May 21, 1990.

90-256

CAUCUS AND CENTER ON THE BLACK AGED, INCORPORATED DAY

Whereas, in 1970, the National Caucus and Center on Black Aged, Incorporated was founded by Hobart C. Jackson to serve as an advocate for senior citizens; and

Whereas, this year marks the 20th anniversary of the National Caucus and Center on Black Aged, Incorporated; and

Whereas, the organization's president, Samuel J. Simons, continues to fight for "the elimination of poverty among aged blacks"; and

Whereas, the National Caucus and Center on Black Aged, Incorporated has successfully administered a Title V Senior Employment Program, employing more than 3,000 senior citizens; and

Whereas, the organization currently owns and operates several housing projects in the midwestern and southern states and offers technical assistance for other minority groups; and

Whereas, the National Caucus and Center on Black Aged, Incorporated has successfully trained seniors in new careers in the Housing Management Program;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 9, 1990, as CAUCUS AND CENTER ON THE BLACK AGED, INCORPORATED DAY in Illinois, in recognition of the organization's commitment to improving the quality of life for the black senior citizens of our state and our nation.

Issued by the Governor May 14, 1990.

Filed with the Secretary of State May 21, 1990.

90-257

HOSPITAL DAY

Whereas, the Illinois Hospital Association (IHA), a non-profit organization representing more than 200 hospitals in Illinois, provides cost-efficient, quality care and health information to member hospitals, affiliated organizations, and the general public; and

Whereas, these IHA member hospitals employ more than 196,500 Illinois citizens, ranking among the largest employers in the state; and

Whereas, last year, hospitals provided quality care to 14,922,000 outpatients and admitted 1,531,000 patients; and

Whereas, IHA's Council on Volunteers represents more than 200,000 members who have contributed 4 million hours of health care service; and

Whereas, accessible health care is the right of every Illinoisan;

Therefore, I, James R. Thompson, Governor of the State of

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Illinois, proclaim May 16, 1990, as HOSPITAL DAY in Illinois in recognition of outstanding contributions to the welfare of our citizens.

Issued by the Governor May 14, 1990.
Filed with the Secretary of State May 21, 1990.

90-258

HOUSEKEEPING WEEK

Whereas, the 6,000 members of the National Executive Housekeepers Association (NEHA) are instrumental in providing a vital service on a day-to-day basis for the public; and

Whereas, these professionals are responsible for achieving a hygienic and safe environment in public and private institutions such as hotels, schools, government buildings, and health care facilities; and

Whereas, since NEHA was founded in 1930, it has endeavored to provide leadership and professional education for its members; and

Whereas, NEHA's 15th Biennial Assembly will be held in Illinois in June 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 9-14, 1990, as HOUSEKEEPING WEEK in Illinois, in recognition of the importance of this profession which is too often taken for granted.

Issued by the Governor May 14, 1990.
Filed with the Secretary of State May 21, 1990.

90-259

UNITED NATIONS DAY

Whereas, the problems and conflicts in our world persist and drain the vital energies of all societies; and

Whereas, the effort to correct and solve these problems and conflicts that plague our world is the mandate of the United Nations; and

Whereas, the United Nations does important work in addressing these problems and conflicts. The prospects of greater international cooperation and peace in the world depend upon proper use of the United Nations by its member states; and

Whereas, the critical issues of chronic hunger and homelessness necessitate public support of the United Nations programs and agencies combatting these conditions; and

Whereas, the United Nations system offers hope to the world in tackling the myriad of problems before it, including the problems of chronic hunger and homelessness, and should be celebrated for bringing this hope to people of all ages and backgrounds; and

Whereas, October 24, is the day when the world reviews and celebrates the achievements and work of the United Nations, which

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is now marking its 45th year;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 24, 1990, as UNITED NATIONS DAY in Illinois. I urge all citizens to participate in programs and activities designed to increase understanding of the United Nations.

Issued by the Governor May 14, 1990.

Filed with the Secretary of State May 21, 1990.

90-260

BEEF MONTH

Whereas, the beef industry of Illinois is one of the state's largest agricultural industries; and

Whereas, Illinois' beef industry consists of 36,000 beef producers raising nearly 1,950,000 head of cattle statewide; and

Whereas, Illinois beef producers sold more than \$812 million worth of cattle and calves in 1988; and

Whereas, Illinois ranks sixth in the nation in the number of cattle on feed;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 1990 as BEEF MONTH in Illinois and urge Illinoisans to recognize the importance of the beef industry to our state.

Issued by the Governor May 15, 1990.

Filed with the Secretary of State May 21, 1990.

90-261

HIGH TECHNOLOGY WEEK

Whereas, technology plays an increasingly critical role in addressing even the most fundamental human needs and maintaining and enhancing our quality of life; and

Whereas, science and research parks around the world, especially those with advanced technology, are major centers for the efforts associated with transforming ideas into new products and services; and

Whereas, two organizations, the Association of University Related Research Parks and the International Association of Science Parks, serve science and research parks on a global basis; and

Whereas, these organizations have chosen Illinois, a center of high technology development and production, as the site for their first joint meeting, the World Conference of Research & Science Parks, May 23-25, 1990; and

Whereas, the Chicago Technology Park and the Northwestern University/Evanston Research Park have planned an entire week of technology-related activities for the conference attendees;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 20-26, 1990, as HIGH TECHNOLOGY WEEK in

8755

Illinois.

Issued by the Governor May 15, 1990.

Filed with the Secretary of State May 21, 1990.

90-262

ILLINOIS BELL OPERATOR DAY

Whereas, telephone operators provide an essential human component to our vast telecommunications network; and

Whereas, in 1976 Operator Day was initiated by Illinois Bell to encourage a sense of pride and promote a better understanding of the services operators provide; and

Whereas, operators should be commended for their ability to keep pace with a modern and dynamic industry;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 17, 1990, as ILLINOIS BELL OPERATOR DAY in Illinois, recognizing the quality service these men and women give to the citizens of our state.

Issued by the Governor May 15, 1990.

Filed with the Secretary of State May 21, 1990.

90-263

PEACE DAY

Whereas, peace is more than an absence of war or a passive state of being; and

Whereas, peace and its preservation are matters of active participation. We should take watchful, vigilant, and vigorous strides to preserve our rights, freedoms, and dignities; and

Whereas, we all share the goal of universal peace. It knows no barriers, boundaries, races, or religions; and

Whereas, we must work together to ensure that the world we leave our children is one which knows neither the horrors of war nor the fear of oppression;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 20, 1990, as PEACE DAY in Illinois.

Issued by the Governor May 15, 1990.

Filed with the Secretary of State May 21, 1990.

90-264

CORNELIA de LANGE AWARENESS DAY

Whereas, Cornelia de Lange Syndrome (CdLS) is a rare birth defect of unknown origin, and at this time, the cause is not clearly known; and

Whereas, babies born with CdLS are usually of low birth weight and develop at a slow rate, both mentally and physically; and

Whereas, the Cornelia de Lange Foundation is a non-profit,

international organization founded by parents of children with CdLS; and

Whereas, headquartered outside of Hartford, Connecticut, the foundation seeks to ensure early diagnosis and to help families, friends, and professionals make appropriate plans for the present and future life of the affected child. It provides for parent/family support, education, and research; and

Whereas, on May 19, 1990, the foundation will sponsor an International Tag Sale to increase public awareness of CdLS;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 19, 1990, as CORNELIA de LANGE AWARENESS DAY in Illinois.

Issued by the Governor May 16, 1990.

Filed with the Secretary of State May 21, 1990.

90-265

HUMAN RIGHTS DAY

Whereas, the Illinois Department of Human Rights was created in July 1980 to administer and enforce the Human Rights Act; and

Whereas, the Illinois Human Rights Act specifies rights and enforcement procedures in relation to discrimination in employment, real estate transactions, financial credit transactions, and public accommodations; and

Whereas, the Illinois Human Rights Act promotes public health, welfare, and safety by protecting the interest of all people in Illinois in maintaining their personal dignity, realizing their full productive capacities, and furthering their interests, rights, and privileges as citizens of this state; and

Whereas, the Illinois Human Rights Act secures and guarantees the rights established by Sections 17, 18, and 19 of Article I of the Illinois Constitution of 1970; and

Whereas, the Illinois Human Rights Act establishes Equal Opportunity and Affirmative Action as the policies of this state in all its decisions, programs, and activities. The Act also assures that all state departments, boards, and commissions take affirmative action to provide equal opportunities and eliminate the effects of past discrimination in state government's internal affairs and relations with the public;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 2, 1990, as HUMAN RIGHTS DAY in Illinois. I urge all citizens to honor this observance by participating in appropriate activities and ceremonies.

Issued by the Governor May 16, 1990.

Filed with the Secretary of State May 21, 1990.

90-266

CHILDREN'S DAY

Whereas, children represent the future, hope, and inspiration

of our country, and the people of Illinois should celebrate children as our most valuable asset; and

Whereas, children should not be allowed to feel that their ideas and dreams will be stifled because adults do not take time to listen; and

Whereas, it is important for parents to spend time listening to their children on a daily basis; and

Whereas, adults should have an opportunity to reminisce on their youth in order to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years; and

Whereas, the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety; and

Whereas, parents, teachers, and community and religious leaders should celebrate the existence of children, whose questions, laughter, and tears are of major importance;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 14, 1990, as CHILDREN'S DAY in Illinois, and call upon the people of Illinois to observe the day appropriate ceremonies and activities.

Issued by the Governor May 17, 1990.

Filed with the Secretary of State May 21, 1990.

90-267

DIA DE LA SONORA MATANCERA

Por Cuanto, en el ano 1924, en la republica de cuba, se funda la sonora matancera, originalmente un septeto dirigido por el Senor Valentin Canet; y

Por Cuanto, en el ano 1924, el Senor Don Rogelio Martinez junto a caito y calixto leices se integran a la orquesta y desde entonces Don Rogelio Martinez Desempena la tarea de director musical; y

Por Cuanto, la sonora matancera ha viajado por todo el mundo deleitando a millones de fanaticos de la musica cubana; y

Por Cuanto, la sonora matancera ha servido como plataforma hacia el triunfo para muchos cantantes tales como Celia Cruz, Daniel Santos, Roberto Torrez, Bienvenido Granda, Bobby Capo, Celio Gonzalez, Nelson Piendo, Carlos Argentino, Miguelito y Vicentico Valdez, Leo Marini y muchos mas;

Por Tanto, Yo, James R. Thompson, Gobernador del Estado de Illinois, resuelvo proclamar el Sabado 7 de Abril de 1990 como el DIA DE LA SONORA MATANCERA en Illinois, reconociendo la contribucion de esta orquesta al entendimiento entre los pueblos a travez de la musica.

Issued by the Governor May 17, 1990.

Filed with the Secretary of State May 21, 1990.

90-268

SPORTING GOODS WEEK

Whereas, Illinois has been the National Sporting Goods Association's home for more than 40 years; and

Whereas, Illinois is the headquarters of the Sporting Goods Agents Association, American Fishing Tackle Manufacturers Association, National Association of Sporting Goods Wholesalers, National Marine Manufacturers Association, and other sports affiliated associations; and

Whereas, the 1990 National Sporting Goods Association's World Sports Expo, the country's largest sporting goods trade show, will be held in Chicago July 30-August 2, 1990, with expected attendance of 85,000;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 29-August 4, 1990, as SPORTING GOODS WEEK in Illinois in recognition of the contributions the National Sporting Goods Association has made to the industry of the state.

Issued by the Governor May 17, 1990.

Filed with the Secretary of State May 21, 1990.

90-269

STUDENT SERVICES CORPORATION VOCATIONAL EDUCATION DAY

Whereas, the Student Service Corporation is a component of the Chicago Public Schools' Bureau of Vocational Support Services to Disadvantaged, Handicapped, and Limited English Proficient Students in vocational education; and

Whereas, the peer tutoring program was established to serve Chicago public high schools having the highest drop-out rates and lowest attendance; and

Whereas, part-time vocational advisors located in 54 high schools and assisted by 600 peer tutors reinforce material taught during class meetings and thereby assist disadvantaged, handicapped, and limited English proficient students who have special needs in an effort to help them succeed in class; and

Whereas, the peer tutoring experience has been significantly beneficial, as it promotes a new appreciation for the educational process, increases responsibility, raises grades, develops personal confidence, and molds the future leaders of tomorrow;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 23, 1990, as STUDENT SERVICES CORPORATION VOCATIONAL EDUCATION DAY in Illinois.

Issued by the Governor May 18, 1990.

Filed with the Secretary of State May 21, 1990.

